



APPENDIX A

Pertinent Constitutional Provisions

1. Art. I, § 2, Cl. 1 (the Voting Clause), of the Constitution provides as follows:

[T]he electors in each State shall have the Qualifications requisite for the Electors of the most numerous Branch of the State Legislature.

2. Art. I, § 2, Cl. 2 (the House Qualifications Clause), of the Constitution of the United States provides as follows:

No Person shall be a Representative who shall not have attained to the Age of twenty-five years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

3. Art. I, § 3, Cl. 3 (the Senate Qualifications Clause), of the Constitution of the United States provides as follows:

No Person shall be a Senator who shall not have attained to the Age of thirty years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

4. Art. I, § 3, Cl. 7 (the Impeachment Clause), of the Constitution of the United States provides as follows:

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

5. Art. I, § 4, Cl. 1 (the Elections Clause), of the Constitution of the United States provides as follows:

The Times, Places and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such regulations, except as to the Places of choosing Senators.

6. Art. I, § 6, Cl. 2 (the Incompatibility Clause), of the Constitution of the United States provides as follows:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a member of either House during his Continuance in Office.

7. Art. I, § 10, Cls. 1-3, of the Constitution provides as follows:

No State shall enter into any Treasury, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contract, or grant any Title of Nobility.

No State, shall without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imports, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or

Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

8. Art. VI, Cl. 3 (the Oath or Affirmation Clause and the Religious Test Clause), of the Constitution of the United States provides as follows:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

9. Section 3 of the Fourteenth Amendment of the Constitution of the United States provides as follows:

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

10. The Tenth Amendment to the Constitution of the United States provides as follows:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

11. Amendment 73 to the Arkansas Constitution provides as follows:

PREAMBLE:

The people of Arkansas find and declare that elected officials who remain in office too long become pre-occupied with reelection and ignore their duties as representatives of the people. Entrenched incumbency has reduced voter participation and has led to an electoral system that is less free, less competitive, and less representative than the system established by the Founding Fathers. Therefore, the people of Arkansas, exercising their reserved powers, herein limit the terms of elected officials.

SECTION 1—Executive Branch

(a) The executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, all of whom shall keep their offices at the seat of government, and hold their offices for the term of four years, and until their successors are elected and qualified.

(b) No elected officials of the Executive Department of this State may serve in the same office more than two such four year terms.

SECTION 2—Legislative Branch

(a) The Arkansas House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties. No member of the Arkansas House of Representatives may serve more than three such two year terms.

(b) The Arkansas Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. No member of the Arkansas Senate may serve more than two such four year terms.

SECTION 3—Congressional Delegation

(a) Any person having been elected to three or more terms as a member of the United States House of Representatives from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States House of Representatives from Arkansas.

(b) Any person having been elected to two or more terms as a member of the United States Senate from Arkansas shall not be certified as a candidate and shall not be eligible to have his/her name placed on the ballot for election to the United States Senate from Arkansas.

SECTION 4—Severability

The provisions of this Amendment are severable, and if any should be held invalid, the remainder shall stand.

SECTION 5—Provisions Self-Executing

Provisions of this Amendment shall be self-executing.

SECTION 6—Application

(a) This Amendment to the Arkansas Constitution shall take effect and be in operation on January 1, 1993, and its provisions shall be applicable to all persons thereafter seeking election to the offices specified in this Amendment.

(b) All laws and constitutional provisions which conflict with this Amendment are hereby repealed to the extent that they conflict with this Amendment.

APPENDIX B

**Term Limits And Qualifications On Public Officials
Prior To The Adoption Of The Constitution****1. Connecticut****A. Fundamental Orders of Connecticut, 1638-39**

No person could be chosen governor more than once in two years. Conn. Fund. Orders of 1638-39, order 4, *reprinted in 1 Federal and State Constitutions* 519, 520 (Francis N. Thorpe ed. 1909) (hereinafter Thorpe). In addition, the governor had to be a member of some approved congregation, and formerly of the magistracy of the jurisdiction and all the magistrate freemen of the commonwealth. *Id.*

No person could be chosen as the deputy for any general court or assembly who was not a freeman of the commonwealth. *Id.* order 7, *reprinted in 1 Thorpe* 519, 521.

B. Fundamental Agreement, or Original Constitution of the Colony of New-Haven, June 4, 1639

Only church members could be free burgesses, magistrates and other public officers. New Haven Fund. Agree. or Orig. Const. of 1639, query V, *reprinted in 1 Thorpe* 523, 525.

**C. Government of New Haven Colony, October 27/
November 6, 1643**

Only members of approved churches could be free burgesses and hold power or trust in the ordering of any civil affairs. New Haven Gov't of 1643, order 1, *reprinted in 1 Thorpe* 526, 526. Only church members could be chosen as judges. *Id.* order 2, *reprinted in 1 Thorpe* 526, 527.

D. Charter of Connecticut, 1662

The governor, deputy governor, and 12 assistants were chosen out of the freemen of the company. Conn. Chart. of 1662, *reprinted in* 1 Thorpe 529, 530.

2. Delaware

A. Charter of Delaware, 1701

All persons professing to believe in Jesus Christ, notwithstanding their specific religion, were deemed capable of serving as a legislator or executive. Del. Chart. of 1701, art. I, *reprinted in* 1 Thorpe 557, 558.

No person within the government could be licensed to keep an ordinary tavern or house of public entertainment. *Id.* art. VII, *reprinted in* 1 Thorpe 557, 560.

B. Constitution of Delaware, 1776

County representatives to the house of assembly were chosen from the freeholders of the county. Del. Const. of 1776, art. 3, *reprinted in* 1 Thorpe 562, 562.

Three persons for each county were chosen as members of the council; the members of the council had to be freeholders of the county they represented, and upwards of 25 years of age. *Id.* art. 4, *reprinted in* 1 Thorpe 562, 562.

After serving a three-year term of office, the president of the state was ineligible for another term until the expiration of three years after leaving office. *Id.* art. 7, *reprinted in* 1 Thorpe 562, 563.

Regular officers of the army or navy of the continent or any state were not eligible to serve on the privy council. *Id.* art 8, *reprinted in* 1 Thorpe 562, 563-64.

If a member of the legislative council or house of assembly was elected to the privy council, he would lose his seat in the legislature. *Id.* art. 8, *reprinted in* 1 Thorpe 562, 564.

Members of the privy council were ineligible for a second term for three years after leaving the privy council. *Id.*

The delegates from Delaware to the Congress of the United States were chosen annually, or superseded in the meantime, by joint ballot of both houses of the general assembly. *Id.* art. 11, *reprinted in* 1 Thorpe 562, 564.

While in office, state court justices were prohibited from holding any additional office other than in the militia. *Id.* art. 12, *reprinted in* 1 Thorpe 562, 564.

Persons having served three annual terms as a county sheriff were ineligible to hold that office for the next three years. *Id.* art. 15, *reprinted in* 1 Thorpe 562, 565.

Justices of the state courts, members of the privy council, certain other state officials, and persons concerned with any army or navy contracts were ineligible for a position in either house of the general assembly. *Id.* art. 18, *reprinted in* 1 Thorpe 562, 565.

Every person chosen as a member of either house of assembly or appointed to any office or place of trust had to take an oath declaring his belief in certain religious tenants. *Id.* art. 22, *reprinted in* 1 Thorpe 562, 566.

No clergyman or preacher was deemed capable of holding state office or serving in the state legislature while he continued in the exercise of the pastoral function. *Id.* art. 29, *reprinted in* 1 Thorpe 562, 567-68.

C. An Act for Regulating Elections, and Ascertaining the Number of the Members of Assembly, 1704-1741

No inhabitants of the government of Delaware had the right of being elected unless: (1) they were natural born subjects of Great Britain, or were naturalized in England, Delaware or Pennsylvania; (2) they were 21 years of age or upwards; (3) they were freeholders in Delaware, and had at least 50 acres of well settled land, 12 acres

of which were cleared and improved, or otherwise worth 40 pounds; and (4) they had been residents of the land for at least two years before the election. Act for Regulating Elections, and Ascertaining the Number of the Members of Assembly, *reprinted in The Earliest Printed Laws of Delaware 1704-1741*, at 86 (John D. Cushing ed. 1978).

3. Georgia

A. Charter of Georgia, 1732

The positions of president of the colonial corporation and chairman of the common council of the corporation were rotated for every meeting among all the members of the corporation. Ga. Chart. of 1732, *reprinted in 2 Thorpe 765, 768*. A person who had served as president or chairman at the previous meeting was ineligible to serve in these positions at the next meeting. *Id.*, *reprinted in 2 Thorpe 765, 769*.

While a person served as a treasurer or secretary of the corporation, he was incapable of being a member of the corporation. *Id.*, *reprinted in 2 Thorpe 765, 773*.

Persons with a continuing interest in lands granted by the corporation were deemed incapable of being a member of the corporation. *Id.*, *reprinted in 2 Thorpe 765, 774*.

B. Constitution of Georgia, 1777

Members of the state legislature had to have resided in the state for at least 12 months and in the county they represented for at least three months. Ga. Const. of 1777, art. VI, *reprinted in 2 Thorpe 777, 779*. They also had to be Protestants, be at least 21 years old, and be owners of 250 acres of land or some property worth 250 pounds. *Id.*

No person who held a continuing title of nobility was capable of serving as a representative or other state official. *Id.* art. XI, *reprinted in 2 Thorpe 777, 780.*

The continental delegates were appointed annually by ballot, and had the right to sit, debate, and vote in the house of assembly, and were deemed a part thereof, subject, however to the regulations contained in the Twelfth Article of the Confederation of the United States. *Id.* art. XVI, *reprinted in 2 Thorpe 777, 780.* Article Twelve of the Articles of Confederation provided that debts contracted by Congress prior to the assembling of the United States were debts of the United States. U.S. Arts. of Confed. of 1777, art. XII, *reprinted in 1 Thorpe 9, 15.*

No person holding a post of profit under the state of Georgia or any person bearing a military commission under any state, except an officer of the militia, could be elected a state representative. Ga. Const. of 1777, art. XVII, *reprinted in 2 Thorpe 777, 780.* If any representative accepted such a post during his term, his seat immediately became vacant and he could not run for reelection while continuing to hold the post. *Id.*

No person could hold more than one office of profit at the same time. *Id.* art. XVIII, in 2 Thorpe 777, 781.

The governor was chosen annually by ballot and was not eligible to serve for more than one year out of three. *Id.* art. XXIII, *reprinted in 2 Thorpe 777, 781.* The governor also was prohibited from holding any military commission under any other state. *Id.* No person was eligible to serve as governor who had not resided in the state for three years. *Id.* art. XXIV, *reprinted in 2 Thorpe 777, 781.*

No clergyman was allowed a seat in the legislature. *Id.* art. LXII, *reprinted in 2 Thorpe 777, 785.*

C. An Act to Ascertain the Manner and Form of Electing Members to Represent the Inhabitants of this Province in the Common House of Assembly, 1761

Every person elected to the common house of assembly had to be qualified as follows: (1) he had to be a free born subject of Great Britain or its dominions, or a foreign person naturalized; (2) he had to be a Christian; (3) he had to be at least 21 years old; (3) he had to have been a resident of the province for at least 12 months; and (4) he had to own at least 500 acres of land in the province. Act to Ascertain the Manner and Form of Electing Members to represent the Inhabitants of this Province in the Common House of Assembly, art. VI (1761), *reprinted in 1 The Earliest Printed Laws of the Province of Georgia 1755-1770*, at 108 (John D. Cushing ed. 1978).

The provost-marshall managing an election was prohibited from returning himself as a member to serve in the general assembly. *Id.* art. VIII, *reprinted in 1 The Earliest Printed Laws of the Province of Georgia 1755-1770*, at 109.

4. Maryland

A. Constitution of Maryland, 1776

State chancellors and judges were prohibited from holding any other office, civil or military. Md. Const. of 1776, Decl. of Rights, art. XXX, *reprinted in 3 Thorpe 1686, 1689*.

Article XXXI provided that a long continuance in the first executive departments of power and trust was dangerous to liberty and stated that a rotation in those departments was one of the best securities of personal freedom. *Id.* art. XXXI, *reprinted in 3 Thorpe 1686, 1689*.

Persons were prohibited from holding, at the same time, more than one office of profit. *Id.* art. XXXII, *reprinted in 3 Thorpe 1686, 1689*.

Article XXXV provided that no other test or qualification should be required on admission to any office of trust or profit other than an oath of support and fidelity to the state, an oath of office, and a declaration of a belief in the Christian religion. *Id.* art. XXXV, *reprinted in* 3 Thorpe 1686, 1690.

To qualify for the house of delegates, a person had to: (1) reside in the county from where they were chosen for one year preceding the election; (2) be above 21 years of age; and (3) have real or personal property in the state valued at more than 500 pounds. Md. Const. of 1776, Form of Gov't, art. II, *reprinted in* 3 Thorpe 1686, 1691.

To qualify for the state senate, a person had to: (1) reside in the state for more than three years preceding the election; (2) be above 25 years of age; and (3) have real and personal property valued at more than 1,000 pounds. *Id.* art. XV, *reprinted in* 3 Thorpe 1686, 1693-94.

To qualify for the council to the governor, a person had to: (1) reside in the state for more than three years preceding the election; (2) be above 25 years of age; and (3) have land valued at more than 1,000 pounds in the state. *Id.* art. XXVI, *reprinted in* 3 Thorpe 1686, 1695.

Maryland's delegates to congress were chosen annually, or superseded in the mean time, by joint ballot of both houses of the assembly. *Id.* art. XXVII, *reprinted in* 3 Thorpe 1686, 1695. The delegates had to be rotated so that at least two of them were changed annually. *Id.* No person was permitted to serve as one of Maryland's delegates to congress for more than three of six years. *Id.* No person who held an office of profit in the gift of congress was eligible to sit in congress. *Id.* No person was eligible to sit in congress as a delegate from Maryland unless he: (1) was above 21 years old; (2) had been

a resident of the state for more than five years preceding the election; and (3) had real and personal estate in Maryland valued at more than 1,000 pounds. *Id.* art. XXVII, reprinted in 3 Thorpe 1686, 1695-96.

No person was eligible to serve as governor unless he: (1) was above 25 years of age; (2) had been a resident of the state for more than five years preceding the election; and (3) had real and personal property in the state valued at more than 5,000 pounds of which 1,000 had to be a freehold estate. *Id.* art. XXX, reprinted in 3 Thorpe 1686, 1696.

A person could not serve as governor for more than three years successively, and former governors could not serve again until four years after leaving office. *Id.* art. XXXI, reprinted in 3 Thorpe 1686, 1696.

Senators, delegates to the assembly, and members of the council were prohibited from holding any office of profit, or receiving the profits of any office held by another person. *Id.* art. XXXVII, reprinted in 3 Thorpe 1686, 1697. The governor was prohibited from holding any other Maryland office of profit. *Id.* The following persons were also disqualified from holding a seat in the general assembly or the council of Maryland: (1) anyone holding a place of profit or receiving any part of the profits thereof; (2) anyone receiving profits from supplying clothing or provisions to the army or navy; (3) anyone holding any office under the United States or another state; (4) ministers and preachers; and (5) any person employed in the regular land service or marine of Maryland or the United States. *Id.*

Delegates to Congress, state senators, delegates to the assembly, and members of the Council were prohibited from holding or executing any office of profit or receiving the profits from such an office held by another person. *Id.* art. XXXIX, reprinted in 3 Thorpe 1686, 1697. Persons violating this provision could be forever disqualified from holding any office or place of trust or profit. *Id.*

County sheriffs were elected to three year terms and were ineligible for reelection for four years after leaving office. *Id.* art. XLII, *reprinted in* 3 Thorpe 1686, 1698. To be eligible for the office of county sheriff, a person had to: (1) be an inhabitant of the county; (2) be above 21 years old; and (3) have real and personal property in the state valued at more than 1,000 pounds. *Id.*

Field officers of the militia were ineligible to serve as a senator, delegate, or member of the council. *Id.* art. XLV, *reprinted in* 3 Thorpe 1686, 1699.

Civil officers appointed for a particular county had to reside in that county for six months before their appointment and had to continue residing in the county while in office. *Id.* art. XLVI, *reprinted in* 3 Thorpe 1686, 1699.

B. An Act Directing the Manner of Electing and Summoning Delegates and Representatives to Serve in Succeeding Assemblies, and for Ascertaining the Expenses of the Councillors, Delegates of Assembly and Commissioners of the Provincial and County Courts of this Province, 1716

To qualify as a county delegate to the general assembly, a person had to be a freeman of the county, and had to own a freehold of 50 acres of land or be a resident having a viable estate of at least 40 pounds within the county. Act Directing the Manner of Electing and Summoning Delegates and Representatives to Serve in Succeeding Assemblies, and for Ascertaining the Expenses of the Councillors, Delegates of Assembly and Commissioners of the Provincial and County Courts of this Province (1716), *reprinted in The Laws of the Province of Maryland*, at 186 (John D. Cushing ed. 1978). County sheriffs were not eligible to serve as delegates. *Id.* The keeper of an ordinary (tavern) within the province and other persons disabled by the laws of England from serving in

parliament were ineligible to serve in the general assembly.
Id.

5. Massachusetts

A. The Charter of Massachusetts Bay, 1629

The governor, deputy governor and 18 assistants were elected and chosen out of the freemen of the company. Mass. Bay Chart. of 1629, *reprinted in* 3 Thorpe 1846, 1852.

B. The Charter of Massachusetts Bay, 1691

The representatives to the general court of assembly consisted of the governor, and assistants, as well as freeholders of the province or territory elected by the freeholders and other inhabitants. Mass. Bay Chart. of 1691, *reprinted in* 3 Thorpe 1870, 1878.

C. Explanatory Charter of Massachusetts Bay, 1725

The representatives to the general court of assembly consisted of the governor, and assistants, as well as freeholders of the province or territory elected by the freeholders and other inhabitants. Mass. Bay Explan. Chart. of 1725, *reprinted in* 3 Thorpe 1886, 1886-87.

D. An Act for Ascertaining the Number, and Regulating the House of Representatives, 1692

Representatives to the great court of Assembly were chosen from among freeholders. Act for Ascertaining the Number, and Regulating the House of Representatives (1692), *reprinted in Massachusetts Province Laws 1692-1699*, at 52 (John D. Cushing ed. 1978).

E. An Act to Prevent Default of Appearance of Representatives to Serve in the General Assembly, 1693

Representatives of a town were required to be freeholders and residents of that town. Act to Prevent De-

fault of Appearance of Representatives to Serve in the General Assembly (1693), *reprinted in Massachusetts Province Laws 1692-1699*, at 77 (John D. Cushing ed. 1978).

F. Constitution or Form of Government For the Commonwealth of Massachusetts, 1780

This constitution provided that "[i]n order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life." Mass. Const. of 1780, pt. 1, art. VIII, *reprinted in* 3 Thorpe 1888, 1890-91.

No person was capable of being elected as a state senator unless: (1) he owned a freehold within the commonwealth of at least 300 pounds, or possessed a personal estate of at least 600 pounds, or both to the amount of the same sum; (2) he had been an inhabitant of the commonwealth for the five years immediately preceding the election; and (3) at the time of the election, he was an inhabitant of the district choosing the senator. *Id.* pt. 2, ch. I, § II, art. V, *reprinted in* 3 Thorpe 1888, 1897.

No person was qualified to serve in the commonwealth's house of representatives unless for at least one year preceding the election: (1) he was an inhabitant of the town choosing the representative; and (2) he owned a freehold valued at 100 pounds in the town choosing the representative, or owned an estate valued at 200 pounds. *Id.* pt. 2, ch. I, § III, art. III, *reprinted in* 3 Thorpe 1888, 1898. A person ceased to represent the town upon ceasing to possess those qualifications. *Id.*

No person was eligible to serve as governor unless: (1) at the time of his election, he had been an inhabitant of the commonwealth for the preceding seven years; (2)

at the same time, he owned a freehold with the commonwealth of the value of 1,000 pounds; and (3) he declared himself to be a Christian. *Id.* pt. 2, ch. II, § I, art. II, *reprinted in* 3 Thorpe 1888, 1900.

The lieutenant-governor had to be qualified in the same manner as the governor on the points of religion, property, and residence. *Id.* pt. 2, ch. II, § II, art I, *reprinted in* 3 Thorpe 1888, 1903.

The Massachusetts delegates to the Congress of the United States were elected annually by joint ballot of the commonwealth legislature. *Id.* pt. 2, ch. IV, *reprinted in* 3 Thorpe 1888, 1906. They could be recalled and replaced at any time during the year. *Id.*

Any person chosen governor, lieutenant-governor, councillor, senator, or representative had to declare that he believed the Christian religion, and possessed the property required as a qualification for his office. *Id.* pt. 2, ch. VI, art I, *reprinted in* 3 Thorpe 1888, 1908.

The governor, lieutenant-governor, and judges of the supreme court were prohibited from holding any other state office, unless specifically authorized in the constitution. *Id.* pt. 2, ch. VI, art. II, *reprinted in* 3 Thorpe 1888, 1909. They were also prohibited from holding any office, or receiving any salary, from any other state or government. *Id.*

No person holding one of several enumerated state offices was permitted to also hold a seat in the state legislature. *Id.* Persons were prohibited from ever holding more than one of the following offices: judge of probate, sheriff, register of probate, or register of deeds. *Id.* In addition, no person could hold more than two of any other state appointed offices. *Id.*

No person could hold a seat in the legislature, or any office of trust or importance under the commonwealth if convicted of bribery or corruption in obtaining an election or appointment. *Id.* 3 Thorpe 1888, 1910.

6. New Hampshire

A. An Act to Return Able and Sufficient Jurors to Serve in the Several Courts of Justice, and to Regulate the Election of Representatives to Serve in the General Assembly within this Province, 1699

No person other than freeholders of the value or income of 40 shillings per year or more in land, or of 50 pounds in personal estate, were capable of being elected to serve in the general assembly. Act to Return Able and Sufficient Jurors to Serve in the Several Courts of Justice, and to Regulate the Election of Representatives to Serve in the General Assembly within this Province (1699), *reprinted in Acts and Laws of New Hampshire 1680-1726*, at 24 (John D. Cushing ed. 1978).

B. Constitution of New Hampshire, 1766

Members of the council, a branch of the legislature, were selected from among the reputable freeholders and inhabitants of the colony. N.H. Const. of 1776, *reprinted in 4 Thorpe 2451, 2452*.

C. Constitution of New Hampshire, 1784

Every inhabitant of the state having the proper qualifications had an equal right to be elected into office. N.H. Const. of 1784, pt. I, art. I, para. XI, *reprinted in 4 Thorpe 2453, 2455*.

Every person qualified as the constitution provided was considered an inhabitant for the purpose of being elected to state office, in the town, parish, and plantation where he dwelled and had his home. *Id.* pt. II, *reprinted in 4 Thorpe 2453, 2459*.

No person was capable of being elected a senator who was not: (1) a Protestant; (2) the owner of a freehold estate within New Hampshire valued at 200 pounds; (3)

30 years old; (4) an inhabitant of the state for seven years immediately preceding his election; and (5) at the time of the election, an inhabitant of the district electing him. *Id.* pt. II, in 4 Thorpe 2453, 2460.

Every member of the house of representatives was required: (1) to have been an inhabitant of the state for two years immediately preceding his election; (2) to have owned, for two years immediately preceding his election, an estate within the place he would represent valued at 100 pounds, one half of which had to be a freehold; (3) at the time of his election, to be an inhabitant of the place he would represent; and (4) to be a Protestant. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2461-62. A person would cease to be a representative immediately upon ceasing to meet these qualifications. *Id.*

No person was eligible to serve as the president of New Hampshire unless: (1) at the time of his election, he had been an inhabitant of the state for the immediately preceding seven years; (2) he was 30 years old; (3) at the same time, he owned an estate valued at 500 pounds, one half of which had to be a freehold within the state; and (4) he was a Protestant. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2462-63.

The qualifications for counsellors were the same as those required for senators. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2465.

The New Hampshire delegates to the Congress of the United States had to have the same qualifications as those required for the president of New Hampshire. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2467. No person was capable of being a delegate to Congress for more than three years in any term of six years. *Id.* No delegate to Congress was capable of holding any office under the United States for which he, or any other for his benefit, received any salary or emolument. *Id.*

The president and judges of the superior court were prohibited from holding any other state office, unless

specifically authorized in the constitution. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2469. They were also prohibited from holding any office, or receiving any salary, from any other state or government. *Id.*

No person holding one of several enumerated state offices was permitted to also hold a seat in the state legislature. *Id.* Persons were prohibited from ever holding more than one of the following offices: judge of probate, sheriff, and register of deeds. *Id.* In addition, no person could hold more than two of any other state appointed offices. *Id.*

No person could hold a seat in the legislature, or any office of trust or importance under the state, if convicted of bribery or corruption in obtaining an election or an appointment. *Id.* pt. II, *reprinted in* 4 Thorpe 2453, 2470.

7. New Jersey

A. The Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and with All and Every the Adventurers and All Such as Shall Settle or Plant There, 1664

Twelve deputies or representatives to the general assembly were selected by and among the freemen inhabiting the province. Concession and Agreement of the Lords Proprietors of the Province of New Caesarea, or New Jersey, to and with All and Every the Adventurers and All Such as Shall Settle or Plant There, pt. 1, item 9 (1664), *reprinted in* 5 Thorpe 2535, 2537.

Without the consent of the general assembly, only freeholders of the province could be appointed as a judge or other civil officer. *Id.* pt. 3, art. II, *reprinted in* 5 Thorpe 2535, 2539.

B. A Declaration of the True Intent and Meaning of Us the Lords Proprietors, and Explanation of There Concessions Made to the Adventurers and Planters of New Caesarea or New Jersey, 1672

No person was counted as a freeman, capable of being elected for any office, until he held lands by patent from the lords proprietors. Declaration of the True Intent and Meaning of Us the Lords Proprietors, and Explanation of There Concessions Made to the Adventurers and Planters of New Caesarea or New Jersey, pt. 1, art. I (1672), *reprinted in 5 Thorpe 2544, 2544-45.*

C. The Charter or Fundamental Laws, of West New Jersey, Agreed Upon, 1676

Upon the second instance of bearing false witness in a criminal case, a person was disabled forever from being admitted into any public office within the province. Charter or Fundamental Laws, of West New Jersey, Agreed Upon, ch. XX (1676), *reprinted in 5 Thorpe 2548, 2550-51.*

D. Province of West New-Jersey, In America, the 25th of the Ninth Month Called November, 1681

No person was rendered incapable of office on account of their faith and worship. Province of West New-Jersey, In America, the 25th of the Ninth Month Called November, art. X (1681), *reprinted in 5 Thorpe 2565, 2567.*

E. The Fundamental Constitutions For the Province of East New Jersey in America, Anno Domini, 1683

Although the original governor was elected to serve for life and good behavior, subsequent governors were limited to a three year term. Fundamental Constitutions For the Province of East New Jersey in America, art. I (1683), *reprinted in 5 Thorpe 2574, 2574.* Persons advising that a subsequent governor should serve for a longer term or

that the governor, or his son, should be chosen again, "within the three years," were considered public enemies. *Id.* Subsequent governors accepting such continued service were also considered public enemies. *Id.*

Publicly elected members of the great council served three year terms, after which they were not "capable to come in again for two years after, and therefore they [were not] put in the ballot in elections for that year." *Id.* art. II, reprinted in 5 Thorpe 2574, 2575.

Persons qualified to be freemen, capable of being chosen for the great council, were every planter and inhabitant dwelling and residing in the province who: (1) had 50 acres of land, and had cultivated ten acres of it; (2) in the boroughs, had a house and three acres; or (3) was only renting a house and land, but had 50 pounds in stock of his own. *Id.* art. III, reprinted in 5 Thorpe 2574, 2575. Anyone giving or accepting a bribe in an election forfeited forever their right to be elected. *Id.*

Persons were prohibited from nominating for a seat on the great council someone known to be guilty for a year before of adultery, whoredom, drunkenness, or any such immorality or who is insolvent or a fool. *Id.*

The great council also consisted of the 24 largest land owners, or proprietors of the colony; if a proprietor did not retain at least one fourth of his propriety, however, he lost his seat in the government. *Id.* art. XIII, reprinted in 5 Thorpe 2574, 2578. Proprietors under 21 years old were not permitted to vote in the great council. *Id.* 5 Thorpe 2574, 2579.

No man could be admitted to the great or common council or other place of public trust unless he professed his faith in Jesus Christ, and declared he would not prejudice others based on their differing religious beliefs. *Id.* art. XVI, reprinted in 5 Thorpe 2574, 2580.

Persons were prohibited from holding more than one public office at one time. *Id.* art. XVII, reprinted in 5 Thorpe 2574, 2580.

F. An Act Regulating the Qualifications of Representatives to Serve in the General Assembly in this Province of New Jersey, 1709

Every person elected to serve as a representative in the general assembly had to own 1,000 acres of land or be worth 500 pounds in real and personal estate. Act Regulating the Qualifications of Representatives to Serve in the General Assembly in this Province of New Jersey (1709), *reprinted in The Earliest Printed Laws of New Jersey 1703-1722*, at 5-6 (John D. Cushing ed. 1978).

Every person elected as a representative for a county to the general assembly had to be a freeholder in the division he was chosen to represent. *Id.* No person who was not a freeholder was capable of being elected to the general assembly. *Id.*

G. An Act for Better Qualifying Representatives to Serve in General Assembly within this Province, 1709

No person was capable of being elected a representative of any city, town or county to the general assembly who was not inhabiting and residing on the date of election, and for three months preceding, the city, town, or county in which he was elected. Act for Better Qualifying Representatives to Serve in General Assembly within this Province (1709), *reprinted in The Earliest Printed Laws of New Jersey 1703-1722*, at 11 (John D. Cushing ed. 1978).

No person was capable of serving in the general assembly who did not have an estate within the division in which he was elected sufficient to qualify him. *Id.*

H. Constitution of New Jersey, 1776

A member of the legislative council of the colony of New Jersey had to be: (1) and have been for the year immediately preceding the election, an inhabitant and

freeholder in the county he was to represent; and (2) worth at least 1,000 pounds, of real and personal estate within the same county. N.J. Const. of 1776, art. III, *reprinted in 5 Thorpe 2594, 2595.*

No person was entitled to a seat in the assembly unless he was: (1) and had been for the year immediately preceding the election, an inhabitant of the county he was to represent; and (2) worth 500 pounds, in real and personal estate within the same county. *Id.*

Annually, the council and the assembly jointly elected a fit person within the colony to be governor for one year. *Id.* art. VII, *reprinted in 5 Thorpe 2594, 2596.*

County sheriffs and coroners were elected to one year terms of office. *Id.* art. XIII, *reprinted in 5 Thorpe 2594, 2597.* After someone had served three one year terms as sheriff or coroner, they were not capable of being elected again until three years had elapsed. *Id.*

Commissioners of appeal were selected from among judicious freeholders of good character. *Id.* art. XIV, *reprinted in 5 Thorpe 2594, 2597.*

Any Protestant demeaning themselves peaceably under the government was capable of: (1) being elected to any office of profit or trust; or (2) being a member of either branch of the legislature. *Id.* art. XIX, *reprinted in 5 Thorpe 2594, 2597-98.*

No judge, sheriff, or any other person holding a post of profit under the government could hold a seat in the assembly. *Id.* art. XX, *reprinted in 5 Thorpe 2594, 2598.*

8. New York

A. Constitution of New York, 1777

The state senate consisted of 24 freeholders chosen out of the body of freeholders. N.Y. Const. of 1777, art. X, *reprinted in 5 Thorpe 2623, 2631.*

Annually, a wise and discret freeholder had to be elected governor by the freeholders of the state. *Id.* art. XVII, *reprinted in* 5 Thorpe 2623, 2632. The lieutenant-governor was elected in the same manner as the governor. *Id.* art. XX, *in* 5 Thorpe 2623, 2633.

Judges held their offices during good behavior or until they reached 60 years of age. *Id.* art. XXIV, *reprinted in* 5 Thorpe 2623, 2634.

The chancellor and judges of the supreme court could not, at the same time, hold any other office, except that of delegate to the general congress, upon special occasions. *Id.* art. XXV, *reprinted in* 5 Thorpe 2623, 2634. First judges of the county courts could not hold any other office at the same time, except that of senator or delegate to the general congress. *Id.*

Sheriffs and coroners were appointed annually and no person was capable of holding either office for more than four years successively. *Id.* art. XXVI, *reprinted in* 5 Thorpe 2623, 2634. The sheriff was incapable of holding any other office at the same time. *Id.*

Delegates representing New York in the Congress of the United States were annually appointed as follows: the senate and assembly each nominated a number of persons equal to the whole number of delegates to be appointed; those persons on both lists became delegates; one half of the persons not on both lists were also elected as delegates by a joint ballot of both houses. *Id.* art. XXX, *reprinted in* 5 Thorpe 2623, 2634-35.

Ministers and priests were not eligible to hold any civil or military office within the state. *Id.* art XXXIX, *reprinted in* 5 Thorpe 2623, 2637.

9. North Carolina

A. A Declaration and Proposals of the Lord Proprietor of Carolina, Aug. 25-Sept. 4, 1663

Deputies or assemblymen for a legislative body were chosen by the freeholders out of themselves. Declaration and Proposals of the Lord Proprietor of Carolina, art. 4 (1663), *reprinted in* 5 Thorpe 2753, 2754-55.

B. Concessions and Agreements of the Lords Proprietors of the Province of Carolina, 1665

The freemen inhabiting the province chose, from amongst themselves, 12 deputies or representatives to the general assembly. Concessions and Agreements of the Lords Proprietors of the Province of Carolina, pt. 1, item 10 (1665), in 5 Thorpe 2756, 2757-58.

Without the consent of the general assembly, only freeholders could be appointed as judges and other civil officials. *Id.* pt. 3, item 2, *reprinted in* 5 Thorpe 2756, 2760.

C. The Fundamental Constitutions of Carolina, 1669

The seven chief offices of state were enjoyed by none but the lord proprietors. Fundamental Constitutions of Carolina, art. 2, (1669), *reprinted in* 5 Thorpe 2772, 2772.

The hereditary nobility were by the right of their dignity members of parliament. *Id.* art. 9, *reprinted in* 5 Thorpe 2772, 2773.

Sheriffs and justices had to be inhabitants of, and had to have at least 500 acres of freehold within, the county or district that they served. *Id.* art. 61, *reprinted in* 5 Thorpe 2772, 2779-80.

Precinct stewards and justices had to be inhabitants of, and had to have at least 300 acres of freehold within, their precinct. *Id.* art. 63, *reprinted in* 5 Thorpe 2772, 2780.

No man could be chosen as a member of the parliament who had less than 500 acres of freehold within the precinct for which he was chosen. *Id.* art. 72, *reprinted in* 5 Thorpe 2772, 2781.

No man could be a register of any precinct who did not have at least 300 acres of freehold within the precinct. *Id.* art. 82, *reprinted in* 5 Thorpe 2772, 2782.

No man could be a register of colony who did not have at least 50 acres of freehold within the colony. *Id.* art. 85, *reprinted in* 5 Thorpe 2772, 2782.

Constables of a colony had to have an estate above 100 acres in the colony. *Id.* art. 91, *reprinted in* 5 Thorpe 2772, 2783.

No person above the age of 17 was capable of any place of profit or honor unless his name was recorded in one, and only one, church record. *Id.* art. 101, *reprinted in* 5 Thorpe 2772, 2784.

D. Constitution of North Carolina, 1776

Each member of the senate: (1) had to reside in the county from which he was chosen for one year immediately preceding his election; and (2) for the same time he had to have possessed, and had to continue to possess, not less than 300 acres of land, in fee, within the county he represented. N.C. Const. of 1776, pt. 2, art. V, *reprinted in* 5 Thorpe 2787, 2790.

Each member of the house of commons: (1) had to reside in the county from which he was chosen for one year immediately preceding his election; and (2) for six months had to have possessed, and had to continue to possess, not less than 100 acres of land, in fee or for the term of his own life, within the county he represented. *Id.* pt. 2, art. VI, *reprinted in* 5 Thorpe 2787, 2790.

The house and senate of North Carolina jointly elected a governor for one year, who was not eligible for that

office longer than three years in six successive years. *Id.* pt. 2, art. XV, *reprinted in 5 Thorpe 2787, 2791.* No person was eligible to serve as governor who: (1) was under 30 years of age; (2) had not been a resident of North Carolina above five years; or (3) did not have a freehold of lands and tenements above the value of 1,000 pounds within the state. *Id.*

No person who received public monies could have a seat in either house of the general assembly or be eligible for any state office until such person paid into the treasury all sums for which they might have been accountable and liable. *Id.* pt. 2, art. XXV, *reprinted in 5 Thorpe 2787, 2792.*

No state treasurer could hold a seat in either house of the general assembly or council of state, during his continuance in that office, or before he finally settled his accounts with the public. *Id.* pt. 2, art. XXVI, *reprinted in 5 Thorpe 2787, 2792.*

No officer in the regular army or navy of the United States, North Carolina, or any other state, nor any contractor or agent supplying such army or navy with clothing or provisions, could have a seat in either house of the general assembly or the council of state. *Id.* pt. 2, art. XXVII, *reprinted in 5 Thorpe 2787, 2792.*

No member of the council of state could have a seat in either house of the general assembly. *Id.* pt. 2, art. XXVIII, *reprinted in 5 Thorpe 2787, 2792.*

Certain judges and persons holding certain executive posts could not hold a seat in either house of the general assembly or the council of state. *Id.* pt. 2, arts. XXIX & XXX, *reprinted in 5 Thorpe 2787, 2792.*

No clergyman or preacher was capable of serving in either house of the general assembly or the council of state. *Id.* pt. 2, art. XXXI, *reprinted in 5 Thorpe 2787, 2793.*

No person who denied the being of God, or the Protestant religion, or certain other religious tenants was capable of holding any office of trust or profit in the civil department of the state. *Id.* pt. 2, art. XXXII, *reprinted in* 5 Thorpe 2787, 2793.

No person in the state could hold more than one lucrative office at a time, however, a militia appointment and the office of a justice of the peace were not considered lucrative offices. *Id.* pt. 2, art. XXXV, *reprinted in* 5 Thorpe 2787, 2793.

Delegates for North Carolina to the Continental Congress were chosen annually by ballot of the general assembly, but could be superseded in the mean time. *Id.* pt. 2, art. XXXVII, *reprinted in* 5 Thorpe 2787, 2793. No person could be elected to serve as a delegate for North Carolina to the Continental Congress for more than three years successively. *Id.*

E. An Act for Qualification of Public Officers, 1715

No person other than someone commissioned by the lords proprietors of Carolina could execute an office of profit or trust within the government until he gave to the government a secured bond for the faithful discharge of his office payable to the lords proprietors. Act for Qualification of Public Officers, art. III (1715), *reprinted in* 2 *The Earliest Printed Laws of N. Carolina 1669-1751*, at 15 (John D. Cushing ed. 1977).

10. Pennsylvania

A. Penn's Charter of Liberties, 1682

The freemen of the province selected representatives from among themselves to serve a three year term in a provincial council. Penn's Charter of Liberties, items 2-3 (1682), *reprinted in* 5 Thorpe 3047, 3048. The terms were staggered so that one third of the council was elected each year. *Id.* item 3, *reprinted in* 5 Thorpe 3047, 3048.

After the first seven years, every one leaving the council was incapable of being chosen again for one whole year so that all were fit for the government and experienced the care and burden of it. *Id.* item 4, *reprinted in* 5 Thorpe 3047, 3048.

B. Frame of Government of Pennsylvania, 1682

The following persons were deemed freeholders capable of being elected as a representative to the provincial council or general assembly: (1) every inhabitant of the province that purchased at least 100 acres of land, and his heirs and assigns; (2) every person who paid his passage and took 100 acres of land, at one penny an acre, and have cultivated ten acres thereof; (3) every prior servant or bonds-man, free by his service, who took up his 50 acres of land and cultivated 20 acres thereof; and (4) every inhabitant, artificer, or other resident in the province that paid scot and lot (an assessment based on the ability to pay) to the government. *Frame of Government of Pennsylvania*, pt. 3, item II (1682), *reprinted in* 5 Thorpe 3052, 3060.

A person who bribed an elector for his vote forfeited his election and was incapable of serving in the council or general assembly. *Id.* pt. 3, art. III, *reprinted in* 5 Thorpe 3052, 3060.

Persons that falsified or forged documents or records were dismissed of all places of trust. *Id.* pt. 3, art. XXI, *in* 5 Thorpe 3052, 3061.

No person could hold more than one public office at one time. *Id.* pt. 3, art. XXVII, *reprinted in* 5 Thorpe 3052, 3062.

All members of the provincial council, and the general assembly, and all other officers of the government: (1) had to possess faith in Jesus Christ; (2) could not have been convicted of ill fame or unsober and dishonest conversation; and (3) had to be at least 21 years old. *Id.* pt. 3, art. XXXIV, *reprinted in* 5 Thorpe 3052, 3062-63.

C. Frame of Government of Pennsylvania, 1696

No inhabitant of the province or territories of Pennsylvania had the right of being elected unless they: (1) were free denizens of the Pennsylvania government; (2) were at least 21 years old; (3) had 50 acres of land, ten acres of which were seated and cleared, or were otherwise worth 50 pounds; and (4) had been a resident within the government of Pennsylvania for two years immediately preceding the election. *Frame of Government of Pennsylvania (1696), reprinted in 5 Thorpe 3070, 3071.*

Persons who bribed an elector for his vote, or offered to serve for nothing or at a reduced salary were incapable of serving in council or assembly for that year. *Id., reprinted in 5 Thorpe 3070, 3073.*

D. Charter of Privileges Granted by William Penn, Esq. to the Inhabitants of Pennsylvania and Territories, 1701

All persons who professed to believe in Jesus Christ were capable, notwithstanding their specific religion, of serving the government in any capacity. *Charter of Privileges Granted by William Penn, Esq. to the Inhabitants of Pennsylvania and Territories, art. I (1701), reprinted in 5 Thorpe 3076, 3077.*

This charter provided that the qualifications of the elected remained as established by a 1700 law entitled "An Act to Ascertain the Number of Members of Assembly, and to Regulate the Elections." *Id. art. II, reprinted in 5 Thorpe 3076, 3078.*

E. Constitution of Pennsylvania, 1776

This constitution provided that to restrain legislators and executives from oppression, the people had a right to reduce their public officers to a private station, and supply the vacancies by certain and regular elections. *Penn. Const. of 1776, pt. 1, art. VI, reprinted in 5 Thorpe 3081, 3083.*

All free men having a sufficient evident common interest with, and attachment to, the community had a right to be elected into office. *Id.* pt. 1, art. VII, *reprinted in* 5 Thorpe 3081, 3083.

No person could be elected to Pennsylvania's house of representatives unless he had resided in the city or county for which he would be chosen for two years immediately before the election; nor could any member hold concurrently any other office, except in the militia. *Id.* pt. 2, § 7, *reprinted in* 5 Thorpe 3081, 3084.

No person was capable of being elected a member to serve in the state house of representatives for more than four years in seven. *Id.* pt. 2, § 8, *reprinted in* 5 Thorpe 3081, 3084.

Each member of the state house of representatives was required to make a specified religious declaration before taking his seat. *Id.* pt. 2, § 10, *reprinted in* 5 Thorpe 3081, 3085. No other religious test was required of any civil officer or magistrate of the state. *Id.*

Delegates to represent Pennsylvania in Congress were chosen annually by ballot of the general assembly. *Id.* pt. 2, § 11, *reprinted in* 5 Thorpe 3081, 3085. The general assembly could supercede a delegate at any time. *Id.* No man representing Pennsylvania could sit in Congress longer than two years successively, nor be capable of reelection for three years afterwards. *Id.* No man who held an office in the gift of Congress could be elected to represent Pennsylvania in Congress. *Id.*

Members of the supreme executive council were elected to serve three years and no longer. *Id.* pt. 2, § 19, *reprinted in* 5 Thorpe 3081, 3087. One third of the seats on the supreme executive council were up for election each year. *Id.* In addition, any person who had served as member of the supreme executive council for three successive years was incapable of holding that office for four years afterwards. *Id.* The constitution explained that:

[b]y this mode of election and continual rotation, more men will be trained to public business, there will in every subsequent year be found in the council a number of persons acquainted with the proceedings of the foregoing years, whereby the business will be more consistently conducted, and moreover the danger of establishing an inconvenient aristocracy will be effectually prevented.

Id. No member of the state general assembly or delegate in Congress could be chosen as a member of the supreme executive council. *Id.* The treasurer of the state and other specified state officials were not capable of a seat in the state general assembly, executive council or Continental Congress. *Id.*

Judges of the Pennsylvania supreme court of judicature were not allowed to sit as members in the Continental Congress, executive council, or general assembly, nor to hold any other civil or military office. *Id.* pt. 2, § 23, reprinted in 5 Thorpe 3081, 3088.

If a court officer took a fee greater than allowed by law, he was disqualified forever from holding any state office. *Id.* pt. 2, § 26, reprinted in 5 Thorpe 3081, 3088-89.

No justice of the peace could sit in the general assembly unless he first resigned his commission. *Id.* pt. 2, § 30, reprinted in 5 Thorpe 3081, 3089.

No person could be elected to the office of sheriff for more than three successive years, or be capable of being again elected during four years afterwards. *Id.* pt. 2, § 31, reprinted in 5 Thorpe 3081, 3089.

Any person who bribed an elector was incapable of serving for the ensuing year. *Id.* pt. 2, § 32, reprinted in 5 Thorpe 3081, 3089.

A foreigner was not capable of being elected a representative until after two years residence. *Id.* pt. 2, § 42, reprinted in 5 Thorpe 3081, 3091.

11. Rhode Island

A. Government of Rhode Island, March 16-19, 1641

The freemen deputized from among themselves government ministers. R.I. Gov't of 1641, art. 3, *reprinted in* 6 Thorpe 3207, 3207-08.

B. Charter of Rhode Island and Providence Plantations, 1663

The governor, deputy governor, and ten assistants were elected and chosen out of the freemen of the company. R.I. Chart. of 1663, *reprinted in* 6 Thorpe 3211, 3214. The assistants and six other freemen of the company constituted the general assembly. *Id.*

12. South Carolina

A. An Act to Ascertain the Manner and Form of Electing Members to Represent the Inhabitants of this Province in the Commons House of Assembly, and to Appoint Who Shall be Deemed and Adjudged Capable of Choosing or being Chosen Members of the Said House, 1721

Every person elected to serve as a member of the commons house of assembly had to be qualified as follows: (1) he had to be a free born subject of the Kingdom of Great Britain or its dominions, or a naturalized foreign person; (2) he had to have attained the age of 24 years; (3) he had to have been a resident of the province for 12 months before the election; and (4) he had to own a settled plantation or freehold in the province of at least 500 acres and ten slaves, or houses, buildings, town-lots, or other lands in the province valued at 1,000 pounds. Act to Ascertain the Manner and Form of Electing Members to Represent the Inhabitants of this Province in the Commons House of Assembly, and to Appoint Who shall be Deemed and Adjudged Capable of Choosing or being Chosen Members of the Said House, art. VIII (1721),

reprinted in 1 *The Earliest Printed Laws of South Carolina 1692-1734*, at 443 (John D. Cushing ed. 1978).

By vote of the commons house of assembly, any person convicted of certain illegal election practices could be rendered incapable of sitting or voting in the commons house of assembly. *Id.* art. XIV, reprinted in 1 *The Earliest Printed Laws of South Carolina 1692-1734*, at 445.

B. Constitution of South Carolina, 1776

No officer of the army or navy of the continent or South Carolina was eligible to be chosen for the privy council. S.C. Const. of 1776, art. V, reprinted in 6 Thorpe 3241, 3244.

The qualifications of the president and commander-in-chief, and vice president of South Carolina, and the members of the legislative and privy council were the same as those for the members of the general assembly. *Id.* art. VI, reprinted in 6 Thorpe 3241, 3244.

If a member of the general assembly or the legislative council accepted any place of emolument or any commission, except in the militia, he had to vacate his seat, but he was not disqualified from serving if reelected. *Id.* art. X, reprinted in 6 Thorpe 3241, 3244.

The qualifications of persons elected to the general assembly were the same as established in the election act, and construed to mean clear of debt. *Id.* art. XI, reprinted in 6 Thorpe 3241, 3245.

C. Constitution of South Carolina, 1778

The governor, lieutenant-governor, and members of the privy council all had to be Protestants. S.C. Const. of 1778, art. III, reprinted in 6 Thorpe 3248, 3249.

The governor and lieutenant-governor had to meet the following qualifications: (1) they had to have been residents in South Carolina for ten years; and (2) they had

to own a settled plantation or freehold in South Carolina valued at at least 10,000 pounds, clear of debt. *Id.* at V, *reprinted in* 6 Thorpe 3248, 3249.

Members of the privy council had to meet the following qualifications: (1) they had to have been residents in South Carolina for five years; and (2) they had to own a settled plantation or freehold in South Carolina valued at at least 10,000 pounds, clear of debt. *Id.*

No governor who had served for two years was eligible to serve as governor again until the full end and term of four years. *Id.* art. VI, *reprinted in* 6 Thorpe 3248, 3249.

No person could hold the office of governor or lieutenant-governor of South Carolina and hold, at the same time, any other civil or military office or commission (except in the militia) in South Carolina, any other state, or under the authority of the continental congress. *Id.* art. VII, *reprinted in* 6 Thorpe 3248, 3249.

Members of the privy council were elected to serve two years terms, and no member who had served for two years was eligible to serve again until the full end and term of four years. *Id.* art. IX, *reprinted in* 6 Thorpe 3248, 3249-50.

The following persons were not eligible to be elected to the privy council: (1) officers of the army or navy of South Carolina or the continent; (2) judges of any of the courts of law; and (3) fathers, sons, or brothers of the present governor. *Id.* art. IX, *reprinted in* 6 Thorpe 3248, 3250.

No person was eligible for a seat in the senate unless he: (1) was a Protestant; (2) was 30 years old; and (3) had been a resident in South Carolina for at least five years. *Id.* art. XII, *reprinted in* 6 Thorpe 3248, 3250. In addition, no person who resided in the district for which he was elected could take his seat in the senate, unless he owned a settled estate and freehold in the district valued at at least 2,000 pounds, clear of debt. *Id.*

art. XII, *reprinted in 6 Thorpe 3248, 3251*. No non-resident of the district was eligible to a seat in the senate unless he owned a settled estate and freehold in the district where he was elected valued at no less than 7,000 pounds, clear of debt. *Id.*

No person was eligible to sit in the house of representatives unless he: (1) was a Protestant; and (2) had been a resident in South Carolina for three years prior to his election. *Id.* art. XIII, *reprinted in 6 Thorpe 3248, 3252*. If a person was a resident of the district for which he was elected, his qualifications were the same as established in the election act, and construed to mean clear of debt. *Id.* No nonresident was eligible for a seat in the house of representatives unless he owned a settled estate and freehold in the district where he was elected valued at no less than 3,500 pounds, clear of debt. *Id.*

If a member of the senate or the house of representatives accepted any place of emolument or any commission, except for certain specified offices, he had to vacate his seat, but he was not disqualified from serving if reelected, unless he had been appointed as one of certain specified officials who were disqualified from being members of the senate or house of representatives. *Id.* art. XX, *reprinted in 6 Thorpe 3248, 3253*.

Ministers and preachers continuing in the exercise of pastoral functions, and for two years after, were not eligible to serve as governor, lieutenant-governor, or as a member of the senate, house of representatives or the privy council. *Id.* art. XXI, *reprinted in 6 Thorpe 3248, 3253*.

The delegates representing South Carolina in the Congress of the United States were chosen annually by joint ballot of the senate and house of representatives. This constitution did not require a delegate to vacate any seat he might have held in either house of the state legislature. *Id.* art. XXII, *reprinted in 6 Thorpe 3248, 3253*.

Sheriffs were chosen for two year terms, and no sheriff who served for two years was eligible to serve again until

the full end and term of four years. *Id.* art. XXVIII, reprinted in 6 Thorpe 3248, 3254. No person was eligible to serve as sheriff in any district unless he had resided therein for two years prior to the election. *Id.*

Certain specified executive officials served two year terms, and none of these officers who had served for four years was eligible to serve again until the full end and term of four years. *Id.* art. XXIX, reprinted in 6 Thorpe 3248, 3254.

13. Virginia

A. The Constitution of Virginia, 1776

This constitution provided that in order that members of legislative and executive departments of the state are restrained from oppression, by feeling and participating in the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies supplied by frequent, certain and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct. Va. Const. of 1776, pt. 1, § 5, reprinted in 7 Thorpe 3812, 3813.

No one person could exercise, at the same time, the powers of more than one of the three departments of state, the legislative, executive, and judiciary departments; except that justices of the county courts were eligible to serve in either house of assembly. *Id.* pt. 2, reprinted in 7 Thorpe 3812, 3815.

Representatives of a county or district to the house of delegates were chosen from the men who actually resided in, and were freeholders of, the county or district, or those who were duly qualified according to law. *Id.* pt. 2, reprinted in 7 Thorpe 3812, 3815-16.

Senators for a particular district were chosen from persons who were actually residents and freeholders within the district, or were duly qualified according to law, and

were upwards of 25 years of age. *Id.* pt. 2, reprinted in 7 Thorpe 3812, 3816.

A person could not serve as governor longer than three successive one year terms, and was not eligible for another term until four years after leaving that office. *Id.*

At the end of every three years, two members of the privy council were removed from office by joint ballot of both houses of the assembly and were ineligible for a seat on the council for the next three years. *Id.* pt. 2, reprinted in 7 Thorpe 3812, 3817.

Delegates for Virginia to the Continental Congress were chosen annually, or superseded in the meantime, by joint ballot of both houses of assembly. *Id.* pt. 2, reprinted in 7 Thorpe 3812, 3817.

APPENDIX C

**State-imposed Qualifications on Members of Congress
Through the 19th Century**

[The following is reprinted from a report by Rep. R.T. Bennett, found in William H. Mobley, *Digest of Contested Election Cases* 88-99 (1889).]

Provisions in the constitutions of the original thirteen States prescribing qualifications of members of Congress, judges, etc., and extracts from the laws thereof touching the same subject-matter:

Connecticut

This State was first divided into Congressional districts in 1835. In that act it was provided that Representatives must reside in the districts represented.

Delaware

1792. Article 3, section 8 of the constitution of that date declares that—

No member of Congress, nor any person holding or exercising any office under the United States, shall at the same time, hold or exercise the office of judge, etc.

Article 2, section 12 of the same constitution provides that—

No member of Congress, nor any person holding any office under this State or the United States, shall, during their continuance in Congress, or in office, be a senator or representative.

The same is in the constitution of 1831. In the latter, article 5, section 2, it is provided in respect to judges—

But they shall hold no other office of profit, etc.

The legislature of Delaware in 1778, and also in 1790, declared—

That every person coming to vote for a Representative, agreeably to the directions of this act, shall deliver in writing on one ticket, or piece of paper, the names of two persons, inhabitants of this State, one of whom at least shall not be an inhabitant of the same county with himself, to be voted for as Representative.

Georgia

Constitution of 1789, article 2, section 5:

The governor shall, at stated times, receive for his services a compensation which shall neither be increased or diminished during the period for which he shall be elected. Neither shall he receive, during that period, any other emolument for the United States or any of them, or any foreign power.

In 1798 it was provided as follows (article 1, § 11):

No person holding a military commission or other appointment having any emolument or compensation annexed thereto, under this State or the United States * * * shall have a seat in either house of the general assembly; * * * nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

By act of the legislature, February 11, 1799, Georgia declared:

No person shall be a Representative in Congress who shall not have been an inhabitant of the State three years next preceding his election, and paid his tax regularly during that time; nor shall he hold any office of profit under the State or the United States during the time for which he may be elected a Representative.

Section 2 of the same law provided that the governor shall not issue a certificate until satisfactory proof is given by the member elect of residence and payment of tax.

Section 46. No person shall be eligible to represent any of said congressional districts who does not, at the time of his election, reside within said district.

The Revised Code of Georgia of 1867, section 1326, declared that—

Besides the qualifications required by the constitution, a residence of one year next preceding the day of election, in the district where the candidate offers himself, is necessary to make him eligible to election.

Maryland

In 1776, in her bill of rights, Maryland declared as follows:

The independency and uprightness of judges are essential to the impartial administration of justice * * * wherefore no chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

Sec. 32. No person ought to hold, at the same time, more than one office of profit from this State or the United States, without the approbation of this State.

(Re-adopted in 1851, 1864, and 1867)

In the constitution of 1792 was this provision, viz:

That no member of Congress, or person holding any office of trust or profit under the United States, shall be capable of holding a seat in the general assembly, or of being an elector of the senate.

Article 33 of the constitution of 1864 contains the following:

No judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the constitution or laws of this State, or of the United States, or any of them.

In 1788 the legislature of Maryland passed an act providing—

That every person coming to vote for Representative for the State in Congress * * * shall have a right to vote for six persons, one of whom shall be a resident of each of said districts; and the candidate in each district having the greatest number of votes of all the candidates residing in that district shall be declared to be elected for that district.

It was provided by an act of the legislature in 1790 that—

Every person entitled and offering to vote for Representative in Congress shall have the right to vote for one person, being a resident of his district at the time of the election, and having resided therein twelve calendar months immediately before, and otherwise qualified according to the Constitution of the United States.

When Maryland was divided into eight districts with nine members, in 1802, the act provided that—

The fifth district shall elect two members, one of whom shall be a resident of Baltimore City, and the other of Baltimore County.

(This law is in the revision of 1819.)

The code of 1860, section 74, contains the following:

One the United States Senators shall be always an inhabitant of the eastern, and the other of the western shore.

Massachusetts

Constitution of 1780, article 2, chapter 6:

No governor, lieutenant-governor, or judge of the supreme court shall hold any other office or place except such as by the constitution they are entitled to hold; nor

shall they hold any other place or office from any other State or Government or power whatever.

(This provision is still in the constitution of Massachusetts.)

In 1788 the legislature of Massachusetts passed a law dividing the State into Congressional districts. This law provided that—

One Representative, being an inhabitant of the district for which he shall be elected, shall be chosen in the manner hereinafter described.

(This was the law of 1790, and also of 1794.)

In 1802 the State was divided into seventeen districts, and the same law provided for a member in each district, "being an inhabitant of the district for which he shall be elected."

This feature has been re-enacted in every apportionment in Massachusetts since that date, making residence in the district an additional qualification for a Representative in Congress.

For Presidential electors, the voters in Massachusetts are required by law to vote for one in each Congressional district on a general ticket.

A statute of Massachusetts makes bribery, embezzlement, conviction of felony, or other infamous crime a disqualification for holding any office under the State. This undoubtedly applies to members of Congress and Presidential electors.

New Hampshire

Bill of rights, part 2, section 92:

No governor or judge of the supreme court shall hold any office or place under the authority of this State except such as by this constitution they are admitted to hold:

nor shall they hold any place or office from any other State, Government, or power whatever.

New Jersey

Constitution of 1776, section 20:

None of the judges of the supreme court or other courts shall be eligible to a seat in the general assembly.

The constitution of 1844, article 5, section 8, provides that—

No member of Congress or person holding office under the United States or this State shall exercise the office of governor.

The latter clause was amended by the constitution of 1875, article 7, section 2, to read as follows:

Nor shall he be elected to any office under the government of this State or the United States during the term for which he shall have been elected.

When New Jersey first divided the State into live Congressional districts it was provided in section 4 of the act that there should be elected for the State—

One person in each of the said districts to be a member of the House of Representatives who shall be a citizen of the United States of the age of twenty-five years or upwards, and an inhabitant of the district in which he shall be elected, and who shall have been a citizen of the United States seven years next preceding said election.

New York

Constitution of 1777, section 25:

The chancellor and judges of the supreme court shall not at the same time hold any office except that of delegate to the General Congress upon special occasions.

Article 1, section 11, of the constitution of 1821 provides that—

No person, being a member of Congress or holding any judicial office under the United States shall hold a seat in the legislature.

Section 10 is in these words:

No member of the legislature shall receive any civil appointment from the governor and senate or from the legislature during the term for which he shall have been elected.

(Re-adopted in 1846.)

Article 6, section 8, of the constitution of 1821 contains the following in reference to judges:

They shall not hold any other office of public trust. All votes for them for any other office * * * given by the legislature or the people shall be void.

The constitution of 1869 declares that—

The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office given by the legislature or the people shall be void.

North Carolina

Declaration of rights, part 4:

The legislative, executive, and supreme judicial power of government ought to be forever separate and distinct from each other.

Constitution of 1776, part 35:

No person in this State shall hold more than one lucrative office at any one time.

(Not amended until 1835.)

Article 6, section 1, of the constitution of 1868 required a residence of twelve months for a voter, and

section 4 provided that only qualified voters shall be eligible to office. By section 2, article 14, persons fighting a duel are declared to be ineligible to any office. (This was substantially re-adopted in the constitution of 1878.)

An act of the legislature of North Carolina in 1792 contains the following:

And whereas it is necessary to keep separate and distinct the offices of the Federal Government from those of the State government, be it further enacted that no citizen of this State shall hold at one and the same time any office of trust, profit, or emolument under the authority of the United States and any office or authority, either civil or military, under the authority of this State. Senators and Representatives in Congress are considered as coming within the purview of this law.

In 1802 the State was divided into twelve districts, and the act declared that—

The person elected in each district shall be a resident or inhabitant of that district for which he is elected during the space or term of one year before and at the time of his election.

Pennsylvania

Constitution of 1790, article 1, section 18:

No representative shall during the time for which he shall have been elected to any office in this State, and no member of Congress or other person holding any office under the United States or this State, shall be a member of either house during his continuance in Congress or in office.

Article 5, section 1, referring to judges (re-enacted in 1838):

But they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

This was amended in 1850 to read as follows:

Nor hold any other office of profit under this Commonwealth, or under the Government of the United States, or any other State of the Union.

The new constitution of 1873 contains these words:

Nor hold any other office of profit under the United States, this State, or any other State.

Rhode Island

This State adopted her first constitution in 1842. Article 2, section 1, requires as a qualification for suffrage one year's residence and real estate of the value of \$134 above all encumbrances.

Article 9, section 1, provides that—

No person shall be eligible to any civil office * * * unless he be a qualified elector for such office.

South Carolina

Constitution of 1778, article 8:

No person in this State shall hold the office of governor thereof, or lieutenant-governor, and any other office or commission, civil or military, * * * either in this or any other State, or under the authority of the Continental Congress, at one and the same time.

Article 1, section 21, of the constitution of 1790 declares that—

No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this State, the United States, or either of them.

Article 3, section 1:

The judges shall hold their commissions during good behavior, * * * nor hold any office of trust or profit in this State, the United States, or any of them.

In 1865 this clause was amended to read:

Nor hold any other office of profit or trust under this State, the United States of America, or any other power.

(Readopted in 1868.)

Virginia

Constitution of 1830, article 2:

The legislative, executive, and judiciary departments shall be separate and distinct, * * * nor shall any person exercise the power of more than one of them at the same time.

Article 5, section 1:

The judges of the supreme court of appeals and of the superior court shall hold their offices during good behavior, * * * and shall, at the same time, hold no other office, appointment, or public trust.

The constitution of 1850, article 15, section 15, provides that—

No judge, during this term of service, shall hold any other office, appointment, or public trust, and the acceptance thereof shall vacate his judicial office; nor shall he, during such term or within one year thereafter, be eligible to any political office he, during such term or within one year thereafter, be eligible to any political office.

(Re-adopted in 1864.)

Article 6, section 24 of the constitution of 1870, provides that:

Judges of the supreme court of appeals and judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

The legislature of Virginia, composed of the same men who ratified the Federal Constitution, passed a law dividing the State into ten districts, declaring that:

The persons qualified by law to vote for members of the house of delegates in each county composing a district, shall assemble at their respective county court-houses on the second day of February next, and then and there vote for some discreet and proper person, being a freeholder, and who shall have been a bona fide resident for twelve months within said district, as a member to the House of Representatives for the United States.

(The same provision is in the act of December 26, 1799, making a new apportionment of nineteen members.)

Constitutions Of Other States

The following are the provisions in the constitutions of the other States respecting qualifications of members of Congress, etc.

Alabama

Constitution of 1819, article 5, section 11:

Judges of the supreme and circuit courts, and courts of chancery, shall, at stated times, receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1850, article 5, section 10, provided that—

The judges of the supreme court, circuit courts, and courts of chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any office of profit or trust under this State, the United States, or any other power.

This was amended in 1867 to read:

Nor hold any office (except judicial offices) of profit or trust under this State, or the United States, during the term for which they have been elected, nor under any power during their continuance in office.

(The same provision is in the constitution of 1875.)

Arkansas

Constitution of 1836, article 5, section 5, under the head of "executive," provides as follows:

He shall, at stated times, receive a compensation for his services which shall not be increased or diminished during the term for which he shall have been elected, nor shall he receive within that period any other emolument from the United States, or any of them, or from any other power.

(Same in constitution of 1864.)

In article 6, section 8, of the constitution of 1836 is the following in relation to judges of the supreme and circuit courts (retained in the constitution of 1861):

Nor hold any other office of trust or profit under this State or the United States.

The constitution of 1868 has the following:

The officers of the executive department and judges of the supreme court shall not be eligible, during the period for which they may be elected or appointed to their respective offices, to any position within the gift of the qualified electors or of the general assembly of the State.

The constitution of 1874 declares, in reference to supreme court judges:

Nor hold any other office of trust or profit under this State or the United States.

California

Constitution of 1849, article 6, section 16.

The justices of the Supreme Court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

In 1862 this was amended to read as follows:

The justices of the Supreme Court and district judges and the country judges shall be ineligible to any other office during the term for which they shall have been elected.

Colorado

Constitution of 1876, article 5, section 8:

No senator or representative shall during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress or other person holding any office (excepting attorney at law, notary public, or the militia) under the United States or this State, shall be a member of either house during his continuance in office.

(It is provided also in this Constitution that no person shall hold any office who is not a qualified voter.)

Florida

1838. Article 5, section 5:

* * * But the judges shall receive no fees or perquisites of office, not hold any other office or profit or trust under this State, the United States, or any other power.

In the constitution of 1865 are these words:

Nor hold any other office of profit or trust under this State, the United States, or any other power.

The constitution of 1868, article 17, section 23, provides that—

The governor, or any other State officer, is hereby prohibited from giving certificates of election, or other credentials, to any person having been elected to the House of Representatives of the United States Congress or the United States Senate who has not been two years a citizen of the State and nine years a citizen of the United States, and a resident voter.

Illinois

1818. Article 2, section 25:

No judge of any court of law or equity * * * member of either House of Congress * * * shall have a seat in the general assembly.

Constitution of 1848, article 6, section 7:

No person shall be elected or appointed to any office in this State, civil or military, * * * who shall not have resided in this State one year next before his election or appointment.

Section 10 provides that—

The judges of the supreme and circuit courts shall not be eligible to any other office of public trust or profit in this State or the United States during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office * * * given by the general assembly or the people shall be void.

Indiana

1857. Article 7, section 15:

No person, elected to any judicial office shall, during the term for which he shall be elected, be eligible to any office of trust or profit under the State, other than a judicial office.

Iowa

1816. Article 5, section 3:

The judges of the supreme court shall be ineligible to any other office in the State during the term for which they shall have been elected.

Under the constitution of the same date the district judges were declared to be "ineligible to any other office, except that of supreme judge, during the term for which they shall have been elected." And in the constitution of 1851 it is provided that—

The judges of the supreme court shall be ineligible to any other office during the term for which they shall have been elected.

Kansas

Topeka constitution of 1855. In reference to judges—

Nor hold any other office of profit or trust under the State, other than a judicial office.

The Lecompton constitution of 1857 contained the following on the same subject:

Nor hold any other office of profit or trust under this State, the United States, or either of the other States, or any power, during their continuance in office.

In the Leavenworth constitution of 1858 is this provision:

Nor hold any office of profit or trust under the State, other than a judicial office.

The Wyandotte constitution of 1859, under which Kansas was admitted into the Union, provides as follows in reference to judges:

Nor hold any other office of profit or trust under the authority of the State or the United States, during the term of office for which such justices and judges shall be elected.

Kentucky

1792. Article 1.

No member of Congress or other person holding any office of profit or trust under the United States or this Commonwealth * * * shall be a member of the House during his continuance to act as a member of Congress or in such office.

In the constitution of 1850 is the following:

No member of Congress, or person holding or exercising any office of trust or profit under the United States or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same. (Art. 8, sec. 25.)

Louisiana

1812. Article 6, section 14 (re-adopted in the constitutions of 1845, 1852, and 1864):

No member of Congress, or person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the general assembly of this State, or hold or exercise any office of trust or profit under the same.

Article 39, title 3, of the constitution of 1852 provides (re-adopted in 1864 and 1868):

No member of Congress or person holding any office under the United States, shall be eligible to the office of governor or lieutenant-governor.

The constitution of 1868 declares that—

No person shall hold or exercise at the same time, more than one office of trust or profit, etc.

Maine

1820. Article 4, part 3, section 11:

No member of Congress or person holding any office under the United States, or office of profit under this State, shall have a seat in either house during his being such member of Congress, or his continuing in such office.

Article 5, section 5:

No person holding any office or place under the United States, this State, or any other power, shall exercise the office of governor.

Article 6, section 6:

The justices of the supreme judicial court shall not hold any office under the United States, nor any State, nor any other office under this State, except that of justice of the peace.

Michigan

1833. Article 6, section 2 (referring to judges):

But they shall receive no fees * * * nor hold any office or profit or trust under the authority of this State or the United States.

The constitution of 1850 provides as follows:

No person elected a member of the legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the governor, the governor and senate, from the legislature, or any State authority, during the term for which he is elected or appointed, and all votes given for any person so elected or appointed shall be void. (Art. 4, sec. 18.)

But no judge of the supreme court or circuit court shall exercise any other power or appointment to public office. (Art. 6, sec. 10.)

Minnesota

1857. Article 6, section 11:

The justices of the supreme court and the district courts shall hold no office under the United States nor any other office under this State, and all votes for either of them for any elective office under this constitution, except a judicial office, given by the legislature or the people, during their continuance in office, shall be void.

Mississippi

1817. Article 6, section 15:

No member of Congress, nor any person holding any office of profit or trust under the United States, or either of them * * * or under any foreign power, shall hold or exercise any office of profit or trust under this State.

(Re-adopted in 1832 and 1868.)

Missouri

1820. Article 3, section 11:

No judge of any court of law or equity * * * member of Congress, or other person holding any lucrative office under the United States or this State, * * * shall be eligible to either house of the general assembly.

The constitution of 1822, article 1, section 4, declares that—

No person holding an office of profit under the United States and commissioned by the President, shall, during his continuance in such office, be eligible, appointed, hold, or exercise any office of profit under this State.

By the constitution of 1865, article 4, section 11, it is provided—

That no member of Congress, or person holding any lucrative office under the United States, * * * shall be eligible to either house of the general assembly.

(Re-adopted in 1875.)

Article 8, section 12, of the constitution of 1875, says:

No person shall be elected or appointed any office in this State, civil or military, who is not a citizen of the United States and who shall not have resided in this State one year next preceding his election or appointment.

Nebraska

1866-67. Article 2, section 14:

No person, being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature.

The same constitution declares that—

No person holding office under authority of the United States * * * shall be eligible to have a seat in the legislature. (Art. 3, sec. 6.)

No person elected to the legislature shall receive any civil appointment within this State from the governor and senate during the term for which he has been elected. (Art. 3, sec. 13.)

Nevada

1864. Article 4, section 9:

No person holding any lucrative office under the Government of the United States, or any other power, shall be eligible to any civil office of profit under this State.

Article 6, section 11:

Justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointment of any such judges, by the people, the legislature, or otherwise, during said period, shall be void.

Ohio

1802. Article 3, section 8 (concerning the judges):

But they shall receive no fees or perquisites of office nor hold any other office of profit or trust under the authority of this State or the United States.

The constitution of 1851 contains the following:

Nor hold any other office of profit or trust under the authority of this State or the United States. All votes for either of them for any elective office, except a judicial office, under the authority of this State, given by the general assembly or the people, shall be void.

Oregon

1857. Article 2, section 9:

Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Section 10:

No person holding a lucrative office or appointment under the United States or this State shall be eligible to a seat in the general assembly; nor shall any person hold more than one lucrative office at the same time, except as in this constitution expressly provided.

Article 7, section 21:

Every judge of the supreme court, before entering upon the duties of his office, shall take and subscribe and transmit to the secretary of state the following oath: "I, _____, do solemnly swear . . . that I will not accept any other office, except judicial offices, during the term for which I have been elected."

Texas

1845. Article 7, section 13:

No member of Congress, nor person holding or exercising any office of profit or trust under the United States or either or them, or under any foreign power, shall be eligible as a member of the legislature, or hold or exercise any office of profit or trust under this State.

Sec. 26: No person shall hold office or exercise, at the same time, more than one civil office of employment.

(Re-adopted in 1870.)

Tennessee

1796. Article 5, section 3:

The judges of the supreme court shall at stated times receive a compensation for their services, to be ascertained by law, and shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State or the United States.

(This was re-adopted in the constitutions of 1834 and 1870.)

Vermont

1786. Chapter 2, section 27:

No person who holds any office in the gift of Congress shall, during the time of his holding such office, be elected to represent this State in Congress.

The constitution of 1793, Article 2, section 26, provides that—

No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, viz: Governor, Lieutenant governor, judges of the supreme court; . . . nor shall any person holding any office of profit or trust under the authority of Congress be eligible to any appointment in the legislature or of holding any executive or judicial office under this State.

West Virginia

1861-63. Article 6, section 12:

No judge, during his term of office, shall hold any other office, appointment, or public trust under this or any other government, and the acceptance thereof shall vacate his judicial office; nor shall he, during his continuance therein, be eligible to any political office.

Wisconsin

1848. Article 13, section 3:

No member of Congress, nor any person holding any office of profit or trust under the United States . . . or under any foreign power, no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States, or to this State, or to any county or town therein, or to any State or Territory within the United States, shall be eligible to any office of trust, profit, or honor in this State.

APPENDIX D

**Contemporary Term Limits on Governors
or Executive Officers**

The following states do not impose term limits on their legislators or members of Congress, but they do limit the terms of the governor or other state officials in the executive branch:

<i>State</i>	<i>Constitutional Provision</i>
Alabama	Ala. Const. art. V, § 116 (1901 & Supp. 1993) (governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries cannot succeed himself or herself) ¹
Alaska	Alaska Const. art. III, § 5 (1993) (governor who has served two consecutive terms may not run until one term has intervened)
Delaware	Del. Const. art. III, § 5 (1897 & Supp. 1992) (governor may not serve third term)
Georgia	Ga. Const. art. V, § 1, ¶ 1 (1982 & Supp. 1994) (governor limited to two consecutive terms, but may run after one term has intervened)
Hawaii	Hawaii Const. art. V, §§ 1, 2 (1985 & Supp. 1993) (governor and lieutenant governor can serve no more than two consecutive terms)

¹ Under this same constitutional provision, the governor of Alabama is not eligible for the United States Senate during his or her term, nor within one year after the expiration thereof. That provision appears to impose an additional qualification for federal office.

Indiana	Ind. Const. art. V, § 1 (1851 & Supp. 1994) (governor may not serve more than eight years in any period of 12 years)
Kansas	Kansas Const. art. I, § 1 (1859 & Supp. 1993) (no more than two successive terms as governor or lieutenant governor)
Kentucky	Ky. Const. § 71 (1891 & Supp. 1992) (governor ineligible for succeeding four years after the expiration of current term); § 82 (same for lieutenant governor); § 93 (same for treasurer, auditor of public accounts, secretary of state, commissioner of agriculture, labor, and statistics, attorney general, superintendent of public instruction, and register of the land)
Louisiana	La. Const. art. 4, § 3(B) (1974 & Supp. 1994) (governor cannot serve term following two successive terms)
Maryland	Md. Const. art. II, § 1 (1867 & Supp. 1993) (governor cannot serve term following two consecutive terms)
Mississippi	Miss. Const. art. V, § 116 (1890 & Supp. 1993) (governor cannot be his or her own immediate successor)
Nevada	Nev. Const. art. 5, § 3 (1864 & Supp. 1993) (no person can be elected governor more than twice)
New Jersey	N.J. Const. art. 5, § 1, ¶ 5 (1947 & Supp. 1994) (governor must let term intervene after serving two consecutively)

- New Mexico N.M. Const. art. V, § 1 (1911 & Supp. 1994) (governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and commissioner of public lands who have served two consecutive terms cannot serve again until one full term has intervened); see also art. X, § 2 (same term limits for county officers)
- North Carolina N.C. Const. art. III, § 2(2) (1970 & Supp. 1993) (neither governor nor lieutenant governor can serve more than two consecutive terms of same office)
- Pennsylvania Penn. Const. art. IV, § 3 (1874 & Supp. 1994) (governor eligible to succeed himself or herself for one additional term)
- Rhode Island R.I. Const. art. IV, § 1 (1986 & Supp. 1993) (governor, lieutenant governor, secretary of state, attorney general, general treasurer cannot serve consecutively in same general office for more than two full terms)
- South Carolina S.C. Const. art. IV, § 3 (1895 & Supp. 1993) (governor cannot serve more than two consecutive terms)
- Tennessee Tenn. Const. art. 3, § 4 (1870 & Supp. 1993) (governor can serve no more than two consecutive terms)
- Virginia Va. Const. art. V, § 1 (1971 & Supp. 1994) (governor cannot serve consecutive terms)
- West Virginia W.V. Const. art. VII, § 1 (1872 & Supp. 1994) (governor cannot serve more than two consecutive terms)

APPENDIX E

Contemporary Term Limits for the Governor, the State Legislature, and Members of the United States Congress

In addition to Arkansas, the following states have imposed term limits on their governors, state legislators, and members of Congress.

<i>State</i>	<i>Constitutional or Statutory Provision</i>
Arizona	Ariz. Const. art. V, § 1 (1910 & Supp. 1993) (governor, secretary of state, state treasurer, attorney general, and superintendent of public instruction cannot serve more than two consecutive terms); art. IV, pt. 2 § 21 (no state senator nor any state representative shall serve more than four consecutive terms in one office); art. VII, § 18 (U.S. Senate candidates from Arizona cannot have name on ballot if they have served two consecutive terms; U.S. House candidates cannot have name on ballot if they have served three consecutive terms). For all term limits, only terms after January 1, 1993, will be considered. Candidates ineligible for an election or ballot appearance because of term limits may run again for the same office only if one full term has intervened.
California	Calif. Const. art. V, § 2 (1879 & Supp. 1994) ("No Governor may serve more than two terms"); art. V, § 11 ("No Lieutenant Governor, Attorney General, Controller, Secretary of State, or Treasurer may serve in the same office for more than two terms"); art. IV, § 2 (no

state senator may serve more than two four-year terms; no member of the state assembly may serve more than three two-year terms); Cal. Elections Code Ann. § 25003 (1961 & Supp. 1994) (restricting access to ballot of any candidate for U.S. Representative who has served in the House for six of the previous 11 years and any candidate for U.S. Senate who has served in the Senate for 12 of the past 17 years).

Colorado

Colo. Const. art. IV, § 1 (1973 & Supp. 1993) (governor, lieutenant governor, secretary of state, state treasurer, and attorney general cannot serve more than two consecutive terms in the same office); art. V, § 3 (state senators cannot serve more than two consecutive terms in the senate, and state representatives cannot serve more than four consecutive terms in the house); art. XVIII, § 9a (no U.S. Senator from Colorado shall serve more than two consecutive terms in the Senate, and no U.S. Representative shall serve more than six consecutive terms in the House). All of the above term limits apply only to terms beginning on or after January 1, 1991, and are considered consecutive unless they are four years apart.

Florida

Fla. Const. art. IV, § 5 (1968 & Supp. 1994) (no person who has served as governor for more than six years in two consecutive terms shall be elected governor for the succeeding term);¹ art. VI,

¹ The 1885 and 1938 Florida constitutions limited the governor to only one four-year term, although the governor could run again

§ 4(b) (no person may appear on the ballot for re-election to any of the following offices if, by the end of the current term of office, the person will have served in that office for eight consecutive years: state representative, state senator, lieutenant governor, any office of the Florida cabinet, U.S. Representative, or U.S. Senator).

Michigan

Mich. Const. art. V, § 30 (1963 & Supp. 1994) (no person shall be elected more than twice to each of the following offices: governor, lieutenant governor, secretary of state, or attorney general); art. IV, § 54 (state representatives may not serve more than three times; state senators may not serve more than twice); art. II, § 10 (U.S. Representatives may not serve more than three times in any 12-year period; U.S. Senators may not serve more than two times in any 24-year period). All of these term limits count only terms beginning on or after January 1, 1993.

Missouri

Mo. Const. art. IV, § 17 (1945 & Supp. 1994) (no person shall be governor or treasurer twice); art. III, § 8 (no one shall be elected or appointed to serve more than eight years total in any one house of the General Assembly, nor more than 16 years total in both houses of the General Assembly); art. III, ¶ 45 (a) (no U.S. Senator from Missouri shall serve more than two terms in the Senate; no U.S. Representative shall

if one full term had intervened. Fla. Const. art. IV § 5 (commentary) (1968 & Supp. 1994).

serve more than four terms in the House. Section 45(a) becomes effective whenever at least one-half of the states enact term limits for their members of Congress).

Montana

Mont. Const. art IV, § 8 (1889 & LEXIS 1994) (governor and state legislators limited to eight years in any 16-year period; U.S. Representatives limited to six years in any 12-year period; U.S. Senators limited to 12 years in any 24-year period).

Nebraska

Nebr. Const. art. IV, § 1 (1875 & Supp. 1993) (governor limited to two terms); art. IV, § 3 (lieutenant governor, secretary of state, auditor of public accounts, treasurer, attorney general, and members of the public service commission are ineligible to file for reelection and ineligible to serve in their respective offices "for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election"); art. III, § 8 ("No person shall be eligible to file for election to or to serve as a member of the Legislature for a period of four years after the expiration of the second of two consecutive terms for which they were previously elected"); art. XV, § 20 (U.S. Representative may not appear on the ballot to seek a fifth consecutive term; U.S. Senator may not appear on the ballot for a third consecutive term; neither may be listed on an official ballot for a period of years equal

to the number of years in the term for which that person was last elected as a Representative in Congress or as a Senator).²

Ohio

Ohio Const. art III, § 2 (1851 & Supp. 1993) (governor, lieutenant governor, secretary of state, treasurer of state, attorney general and auditor of state shall not hold office longer than two successive terms of four years; for all officers except the governor, only terms beginning on or after January 1, 1995, count); art. II, § 2 (no person shall hold the office of state senator for a period of longer than two consecutive terms of four years; no person shall hold the office of state representative for a period of longer than four successive terms of two years; only terms beginning on or after January 1, 1993, will be considered); art. V, § 8 (U.S. Senators limited to two successive terms; U.S. Representatives limited to four successive terms; terms considered successive unless four years have intervened; and only terms beginning January 1, 1993, are considered).

Oregon

Ore. Const. art V, § 1 (LEXIS 1994) (governor limited to eight years in a 12-year period); art. II, § 19 (members of Oregon legislative assembly limited to serving 12 years; Oregon senators and holders of statewide office limited to serving eight years; members of Oregon house limited to six years); art. II, § 20

² The amendments to the Nebraska Constitution imposing term limits were recently invalidated due to a defect in the initiative process. *Duggan v. Beermann*, 515 N.W.2d 788 (Neb. 1994).

(U.S. Representatives limited to serving six years; U.S. Senators limited to serving 12 years).

South Dakota

S.D. Const. art. IV, § 2 (1889 & Supp. 1994) (no person shall be elected to more than two consecutive terms as governor or as lieutenant governor); art. IV, § 7 (beginning with 1992 election, no person may be elected to more than two consecutive terms as attorney general, secretary of state, auditor, treasurer, or commissioner of school and public lands); art. III, § 6 (no person may serve more than four consecutive terms or a total of eight consecutive years in the state senate or house of representatives; this restriction does not apply to terms before January 1, 1993); art. IV, § 32 (commencing with 1992 election, no person may be elected to more than two consecutive U.S. Senate terms nor more than six consecutive U.S. House terms).

Washington

Wash. Rev. Code Ann., § 43.01.015 (1984 & Supp. 1994) (no person is eligible to appear on the ballot or file a declaration of candidacy for governor or lieutenant governor if he or she has served in the same office for eight of the previous 14 years); § 44.04.015 (no person is eligible to appear on the ballot or file a declaration of candidacy if he or she is one of the following: (i) a state house of representatives candidate who has served in the house during six of the previous 12 years; (ii) a state senate candidate who has served in the senate eight of the previous 14 years; (iii) a

candidate for the legislature who has served as a member of the legislature for 14 of the past 20 years); § 28.68.015 (no person is eligible to appear on the ballot or file a declaration of candidacy for the U.S. House if he or she has served in the U.S. House for six of the previous 12 years); § 28.68.016 (no person is eligible to appear on the ballot or file a declaration of candidacy for the U.S. Senate if he or she has served in the Senate for 12 of the previous 18 years).

Wyoming

Wyo. Stat. Ann., § 22-5-103 (1977 & Supp. 1993) (candidate may not be elected or serve in same office if (i) he or she has served eight or more years in any 16 years in the office of governor, secretary of state, state auditor, state treasurer, and state superintendent of public instruction; (ii) he or she has served six years in any 12-year period as state representative; (iii) he or she has served 12 years in any 24-year period as state senator); § 22-5-104 (nomination applications for same office will not be accepted for any person who has served 12 or more years in any 24-year period as U.S. Senator or for any person who has served six or more years in any 12-year period in the U.S. House). All of the term limits count only terms served after January 1, 1993.

APPENDIX F**States Presently With Term Limits,
but Not for All Positions**

The following states have term limits only for certain positions:

1. Federal term limits:

North Dakota does not limit the terms of its governor or state legislators, but it does restrict its Members of Congress. N.D. Century Code § 16.1-01-13 (1960 & Supp. 1993) (making person permanently ineligible to have name on the ballot for office of U.S. Senator or Representative in Congress "if, by the start of the term for which the election is being held, that person will have served as a United States senator or a representative in Congress, or in any combination of those offices, for at least twelve years").¹

2. State term limits:

Oklahoma does not limit its members of Congress, but it does impose term limits on state officials and legislators. Okla. Const. art. VI, § 4 ("No person shall be elected Governor more than two times in succession"); art. V, § 17A (any member of the state legislature elected after 1990 is eligible to serve no more than 12 years in the state legislature).

3. Term limits for the governor and legislative leaders:

Maine limits the terms of its governor. It does not impose general term limits on state legislators, but it does restrict the terms of the senate president, house speaker, and floor leaders. Maine Const. art. V, § 3 (1983 &

¹ North Dakota also enacted § 16.1-01-13.1, which becomes effective only if § 16.1-01-13 is held unconstitutional and provides that "the disqualification imposed by this section ceases after two years have elapsed since the disqualification last affected that person's eligibility for placement on the ballot."

Supp. 1993) (person who has served two consecutive terms as governor is ineligible to succeed himself or herself); Maine Rev. Stat. § 3-21-A (Supp. 1993) (no more than three consecutive legislative bienniums as president of state senate); § 3-24 (same for senate floor leaders); (§ 3-41-A) (same for speaker of the state house of representatives); § 3-44 (same for house floor leaders).

APPENDIX G**States Without Term Limits for Any State
or Federal Officers**

The following states currently do not have term limits for any elected officials: Connecticut, Idaho, Illinois, Iowa, Massachusetts, Minnesota, New Hampshire, New York, North Dakota,¹ Texas,² Utah, Vermont, and Wisconsin.

¹ North Dakota, however, does impose term limits on its representatives to Congress.

² The Texas Constitutions of 1845, 1861, and 1866 all limited the governor from serving more than two consecutive terms. That limitation was dropped in 1876. Tex. Const. art. IV, § 4 (Interpretive Commentary) (1876 & Supp. 1994).

APPENDIX H

Municipalities With Term Limits on Local Officers

The following cities have imposed term limits on the mayor, city council members, or other local officials. See Erica Gould, *The Municipal Term Limits Groundswell*, U.S. Term Limits Outlook Series Vol. II, No. 3, at 2-16 (Aug. 1993).

1. ALASKA

Anchorage, Juneau, Ketchikan

2. Arizona

Fountain Hills, Goodyear, Mesa, Phoenix

3. CALIFORNIA

Alameda, Alhambra, Anaheim, Acadia, Chula Vista, Dana Point, Fresno, Hillsborough, Huntington Beach, Irvine, Long Beach, Los Altos, Los Angeles, Merced, Newport Beach, Pacific Grove, Palo Alto, Renondo Beach, Riverside County, Roseville, San Diego, San Francisco, San Jose, San Juan, Bautista, San Leandro, San Luis Obispo, San Mateo, Santa Ana, Santa Barbara, Santa Clara, Santa Cruz, Seal Beach, Stockton, Sunnwale, Vallejo, Villa Park, Watsonville, Yorba Linda

4. COLORADO

Avon, Colorado Springs, Englewood, Fountaun, Frisco, Greenwood Village, Littleton, Vail, Wheat Ridge

5. CONNECTICUT

Stratford

6. DELAWARE

Wilmington

7. FLORIDA

Auburndale, Boynton Beach, Cape Coral, Daytona Beach Shores, Deerfield Beach, Destin, Fort Walton Highland Beach, Jacksonville, Jacksonville Beach, Kenneth City, Maitland, Miami Springs, Neptune Beach, New Port Richey, North Port, Oakland Park, Oldsmar, Orange Park, Palm Bay, Port Orange, St. Petersburg, Satellite Beach, South Pasadena, Tamarac, Tampa, Targon Springs, Venice, Winter Park

8. GEORGIA

Augusta, Atlanta, Savannah, Telfar County

9. HAWAII

Honolulu

10. ILLINOIS

Brookfield, Riverside, Springfield, Wilmette

11. INDIANA

Henry County

12. KANSAS

Mission Hills, Wichita

23. KENTUCKY

Frankfort, Lexington, Louisville

14. LOUISIANA

Berwick, New Orleans, Shreveport

15. MAINE

Augusta, Bangor, Dexter, Falmouth, Mars Hill, Skowhagan, South Portland, Standish, Van Buren

16. MARYLAND

Annapolis, Anne Arundel County, Cecil County, Howard County, Prince George's County, Rockville, University Park

17. MASSACHUSETTS

Methuen, Provincetown, Stow

18. MICHIGAN

Bay City, Cheboygan, East Grand Rapids, Essexville, Hart, Imlay City, Ishpeming, Marquette, Niles, Owosso, Plymouth, Rockwood, South Haven, Whitehall, Yarmouth

19. MINNESOTA

Rochester

20. MISSOURI

Creve Coeur, Jefferson City, Kansas City, Kirkwood

21. MONTANA

Billings, Hardin

22. NEW HAMPSHIRE

Claremont, Conway, Dover, Hooksett

23. NEW YORK

East Rockaway, Glens Falls, Cuba, New York City, Syracuse

24. NORTH DAKOTA

Fargo

25. OHIO

Cincinnati, Euclid, Fairborn, Fairfield, Geneva, Madera, Mayfield Heights, Oberlin, Oxford, Richfield, Sandusky, Tipp City, Upper Arlington

26. OKLAHOMA

Del City, Euclid, Kingfisher, Midwest City, Stillwater

27. OREGON

Baker City, Florence, Hillsboro, Lake Oswego, Milwaukee, Oregon City, Philomath, Seaside, Stayton, Sutherlin, Tigard

28. PENNSYLVANIA

Ferguson, Murrysburg, Monroeville, Philadelphia, Plymouth, Upper Providence, Whitemarsh

29. TENNESSEE

Nashville

30. TEXAS

Alvin, Ballinger, Bellaire, Bridge City, Brownfield, Cooper's Cove, Dallas, Del Rio, Denison, Denton, El Paso, Flower Mound, Frisco, Galveston, Garland, Graham, Greenville, Highland Park, Highland Village, Houston, Jasper, Katy, Killeen, Kirby, Laredo, Marble Falls, Mercedes, Nassau Bay, New Braunfels, Pasadena, Pearland, Port Aransas, Rockwall, Rowlett, San Antonio, Seabrook, Sherman, Southlake, Sugar Land, Tyler, University Park, Wichita Falls

31. UTAH

Smithfield

32. WASHINGTON

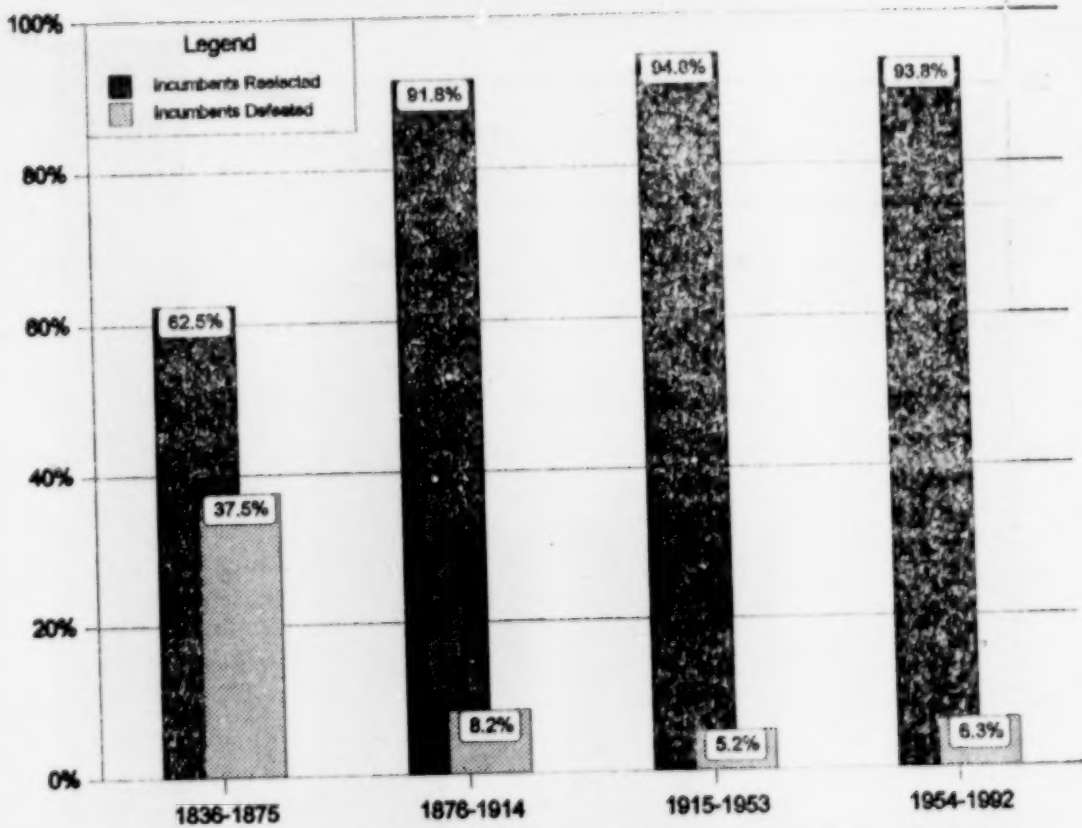
Medina, Port Angeles, Tacoma

33. WEST VIRGINIA

Barboursville

APPENDIX I

Incumbent Reelection Rates of U.S. Representatives from the State of Arkansas Since Statehood

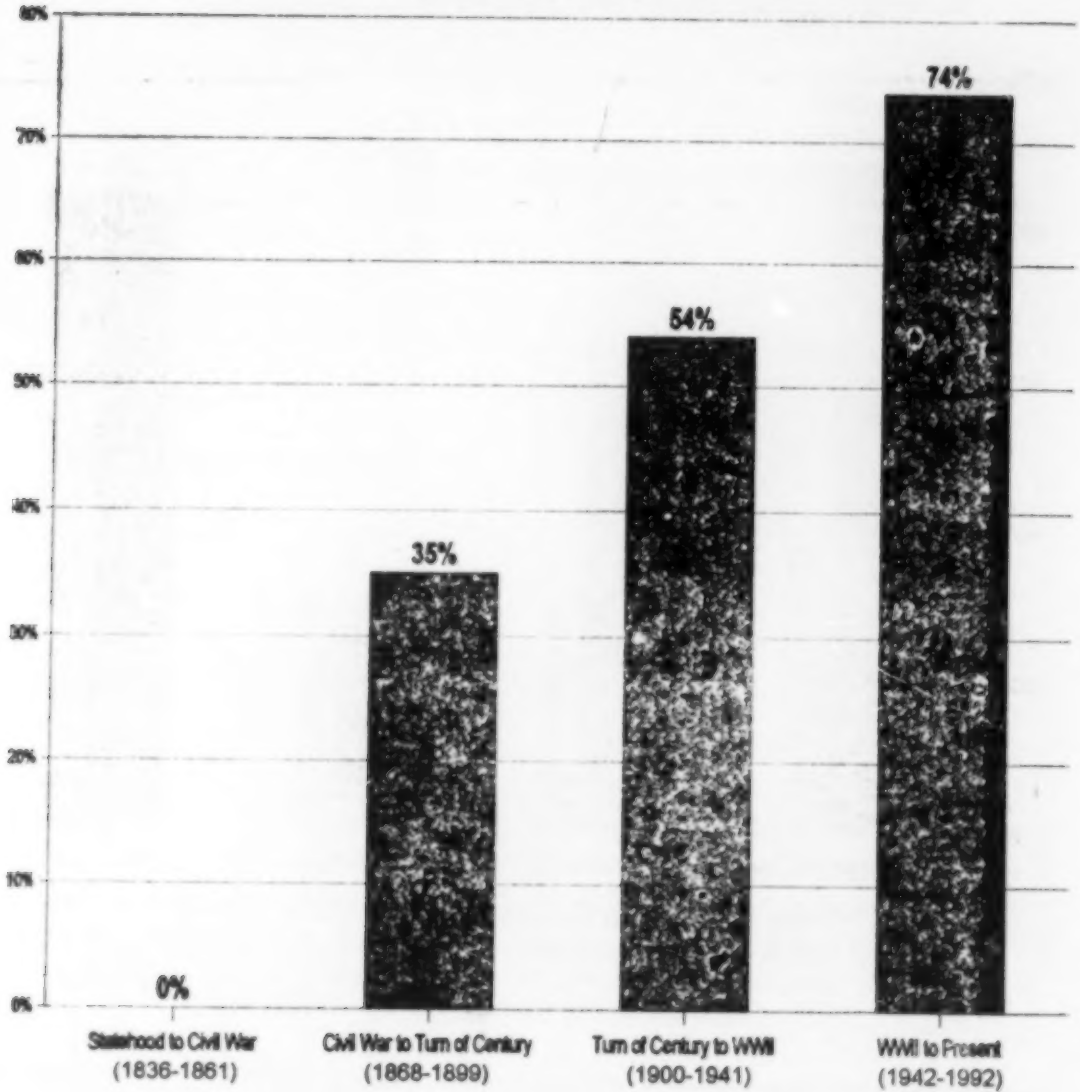


Source: Term Limits Legal Institute from Official Records of the Office of the Secretary of State of Arkansas and *Biographical Directory of the U.S. Congress, 1774-1989*, U.S. Congress Joint Committee on Printing.

Quartile	Ran	Lost	Won
1st: 1836-1875	16	6 (37.5%)	10 (62.5%)
2nd: 1876-1914	97	8 (8.2%)	89 (91.8%)
3rd: 1915-1953	115	6 (5.2%)	109 (94.8%)
4th: 1954-1992	80	5 (6.3%)	75 (93.8%)
Total:	308	25 (8.1%)	283 (91.9%)

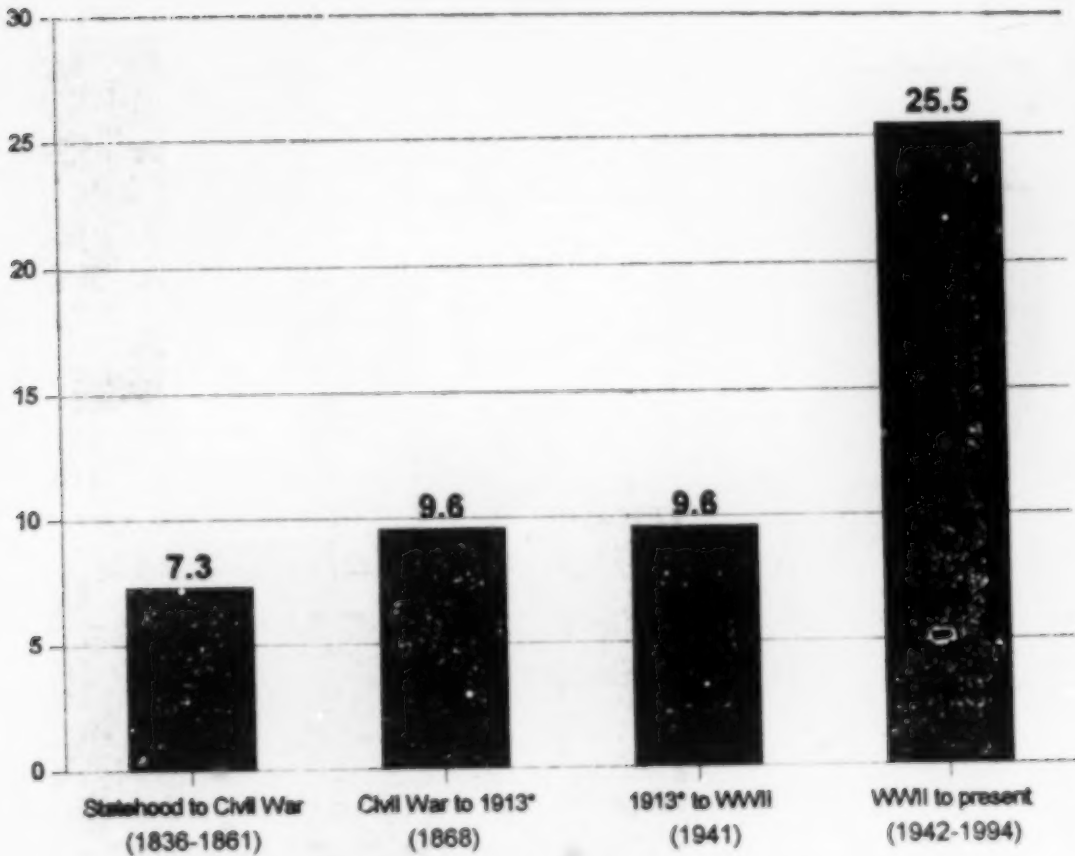
Note: Arkansas' U.S. Senate incumbents have won 90.9% of their races since direct election of senators, having lost only twice in primaries. *Not one has lost a general election.*

**Percentage of U.S. House Incumbents from Arkansas
Serving More Than Three Consecutive Terms**



Source: Official Records of the Arkansas Secretary of State's Office and *Biographical Directory of the U.S. Congress, 1774-1989*, U.S. Congress Joint Committee on Printing, 1989.

**Average Years Served by Arkansas' U.S. Senators
Since Statehood †**



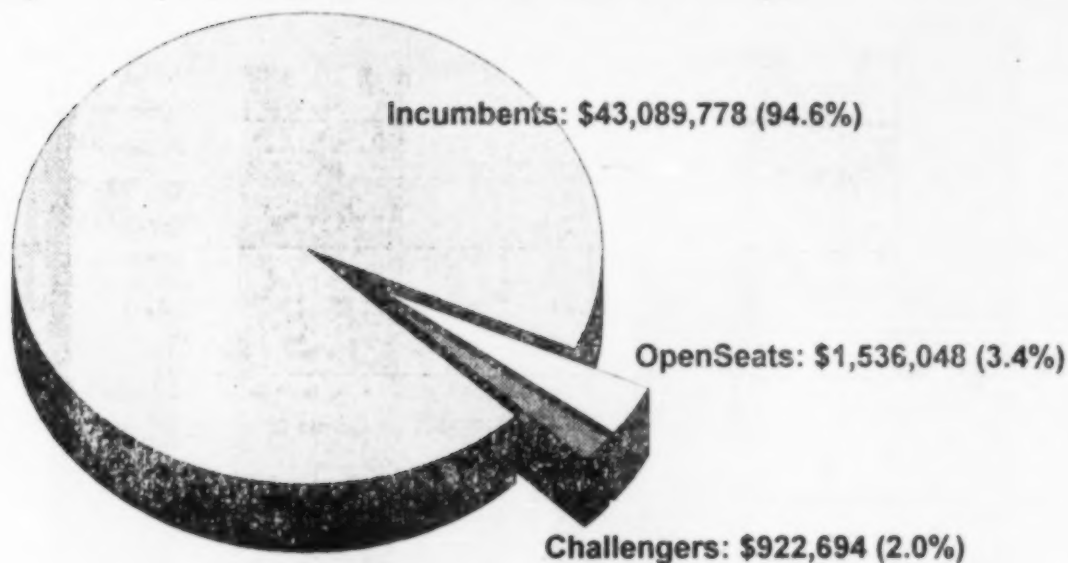
† Includes every Senator seated by Congress including those appointed or elected to fill a vacancy.

* Began direct elections pursuant to Seventeenth Amendment.

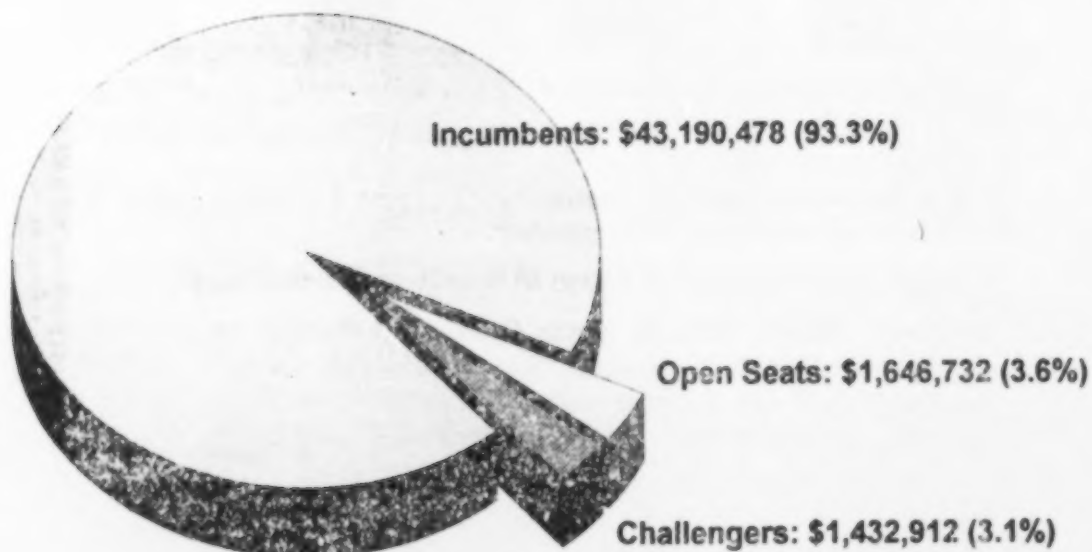
Sources: Official Records of the Office of the Arkansas Secretary of State.

PAC Contributions to U.S. House Candidates

Current Election Cycle



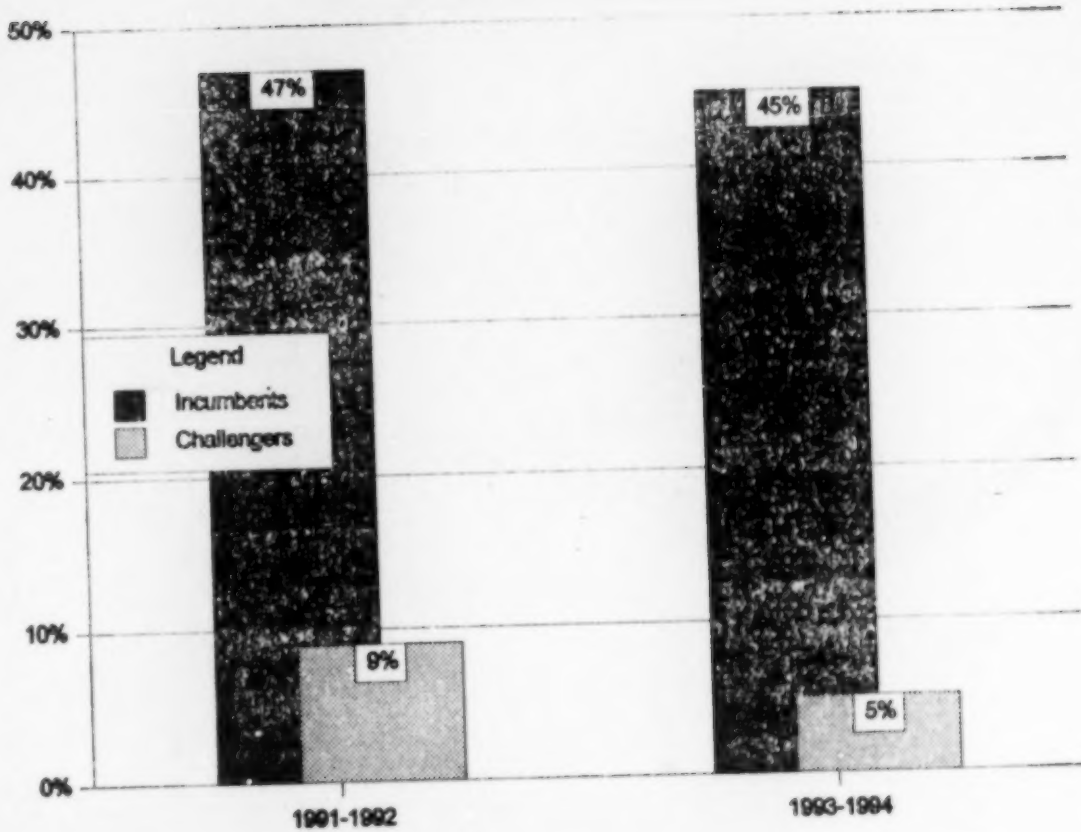
1992 Election Cycle



* For periods January 1, 1993 to March 31, 1994, and January 1, 1991 to March 31, 1992.

Source: *Washington Post*, May 10, 1994, from Federal Election Commission records.

**Percentage of U.S. House Candidates'
Total Contributions Donated by Pacs**

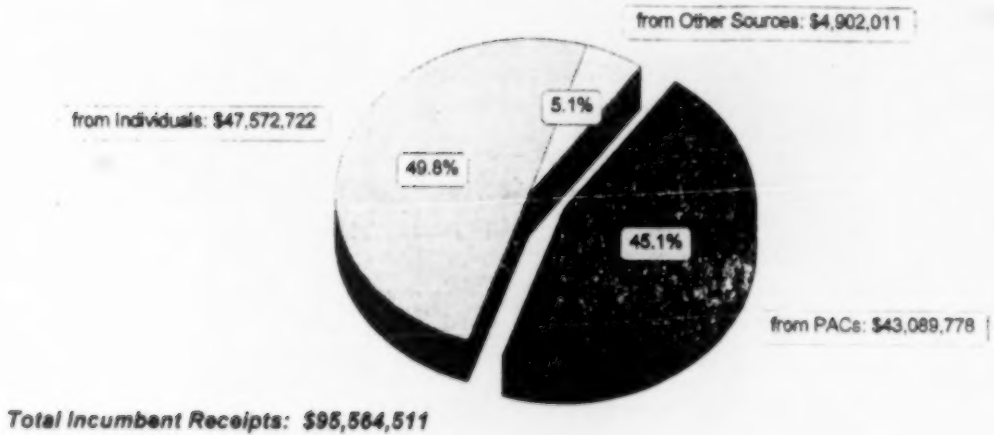


For periods January 1, 1993 to March 31, 1994, and January 1, 1991 to March 31, 1992.

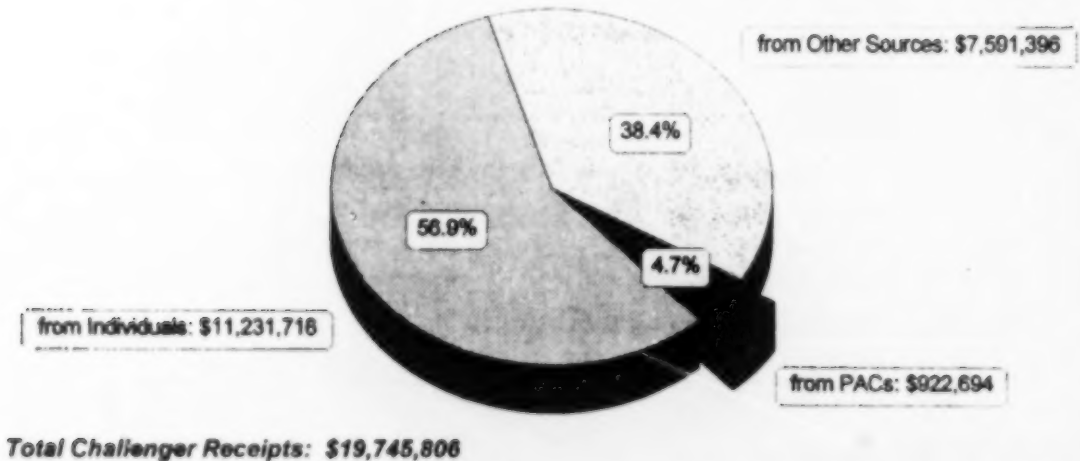
Source: *Washington Post*, May 10, 1994, from Federal Election Commission records.

Comparison of Contribution Sources in 1994 U.S. House Campaigns

Incumbents



Challengers



Source: *Washington Post*, May 10, 1994, from Federal Election Commission records.

* January 1, 1993 to March 31, 1994.

